

United States District Court
District of Utah **FILED**

D. Mark Jones
Clerk of Court



2008 SEP -5 AM 9:01

Louise S. York
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
Chief Deputy Clerk

August 26, 2008

g DEPUTY

United States District Court
Southern District of California
Clerk of Court
940 Front Street
San Diego, CA 92101-8900

08 CR 7045 - IEG

RE: USA v. Jack Hector Martinez
2:05-cr-00028-TS-9 - Utah
Not Known - Southern District of California

Dear Clerk of Court:

The Transfer of Jurisdiction Order was signed on 08/11/2008 and jurisdiction accepted by Judge Irma E. Gonzalez.

Documents filed prior to May 2, 2005 are forwarded with this letter. Documents filed since that time may be accessed through our CM/ECF system <https://ecf.utd.uscourts.gov/>. If you do not have Court PACER login and password, please contact Robert Janzen at 801-524-6105.

Please sign the enclosed copy of this letter as a receipt and return to my attention. If I can be of further assistance, please advise. My telephone number is (801)524-6141.

Sincerely,
D. Mark Jones, Clerk

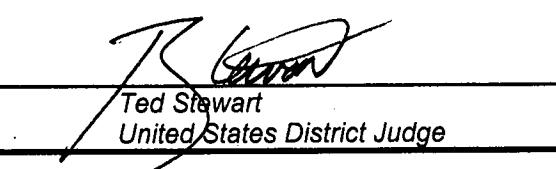
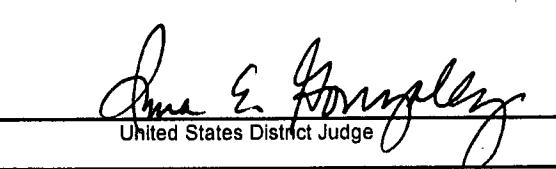
By: /s/
Aaron Paskins
Deputy Clerk

Enclosures

cc: U.S. Probation Office - Utah w/copy of Transfer of Jurisdiction Order
U.S. Attorney c/o FLU Unit
Financial Administrator, USDC

ACKNOWLEDGMENT OF RECEIPT:

Received by: _____ Date: _____

PROB 22		DOCKET NUMBER (<i>Tran. Court</i>) 2:05-CR-00026-009-TRCT COURT FILED
TRANSFER OF JURISDICTION		DOCKET NUMBER (<i>Rec. Court</i>) 2008 AUG 25 P 4:44 08CR7045-IEG DISTRICT OF UTAH
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE Jack Hector Martinez Privada Canadas de la Limas #22820, Interior #3 Tijuana, Baja California, Mexico	DISTRICT Utah	
	BY: <u>DEPUTY CLERK</u>	
	DIVISION Central	
	NAME OF SENTENCING JUDGE Ted Stewart	
DATES OF SUPERVISION TERM	FROM October 19, 2007	TO October 19, 2012
OFFENSE Conspiracy to Distribute Cocaine [21 U.S.C. § 841(a)(1)]		
PART 1 - ORDER TRANSFERRING JURISDICTION		
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF <u>Utah, Central</u>		
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. § 3605 the jurisdiction of the defendant named above be transferred with the records of the Court to the United States District Court for the District of <u>California Southern, Chula Vista</u> upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.		
<u>7/15/08</u> Date		 Ted Stewart United States District Judge
PART 2 - ORDER ACCEPTING JURISDICTION		
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF <u>California Southern, Chula Vista</u>		
IT IS HEREBY ORDERED that jurisdiction over the above-named defendant be accepted and assumed by this Court from and after the entry of this order.		
<u>8/11/08</u> Effective Date		 Anna E. Gonzales United States District Judge

PAUL M. WARNER, United States Attorney (#3389)
 VEDA M. TRAVIS, Assistant United States Attorney (#6449)
 Attorneys for the United States of America
 185 S. State St., #400
 Salt Lake City, Utah 84111
 Telephone: (801) 524-5682

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

SEALED

UNITED STATES OF AMERICA, : INDICTMENT

Plaintiff, : VIO. 21 U.S.C. § 848,
 vs. : CONTINUING CRIMINAL
 : ENTERPRISE; 21 U.S.C.
 MIGUEL ANGEL LOPEZ-ROMERO aka : § 846, CONSPIRACY TO
 EDUARDO MORENO aka PEDRO, JIMMY : DISTRIBUTE HEROIN AND
 LNU aka OMAR HERNANDEZ aka : COCAINE; 21 U.S.C.
 MICHAEL MEDINA-MEJIA, LUIS : § 841(a)(1), DISTRIBUTION
 ARMANDO SANCHEZ-ARCE aka GORDO, : AND POSSESSION OF HEROIN
 OMAR FLORES aka GEORGE, IGNACIO : AND COCAINE WITH INTENT; 18
 GONZALEZ-CORONADO aka NACHO aka : U.S.C. § 924(c), POSSESSION
 MELIK, FLOR LOPEZ, SHARON : OF A FIREARM IN FURTHERANCE
 OLIVER aka CHANA, SHERRY ANN : OF DRUG TRAFFICKING

Defendants.

Judge Ted Stewart
 DECK TYPE: Criminal
 DATE STAMP: 01/19/2005 @ 13:55:10
 CASE NUMBER: 2:05CR00028 TS

The Grand Jury charges:

COUNT I

(Continuing Criminal Enterprise, 21 U.S.C. § 848)

Beginning on a date unknown to the Grand Jury, but at least
 by June 29, 2004, and continuously thereafter until January 12,
 2005, in the Central Division of the District of Utah and
 elsewhere,

MIGUEL LOPEZ ROMERO aka EDUARDO MORENO,

26

defendant herein, did knowingly and willfully engage in a continuing criminal enterprise, that is, the defendant did violate 21 U.S.C. § 841(a)(1), 21 U.S.C. § 843(b), 21 U.S.C. § 846 and 18 U.S.C. § 2, which violations, including but not limited to those set forth in Counts II through XIX of this Indictment, were part of a continuing series of violations of Title 21 of the United States Code, and were undertaken by the defendant in concert with at least five other persons with respect to whom the defendant occupied a position of organizer, a supervisory position, or any other position of management, and from which the defendant obtained substantial income or resources; all in violation of 21 U.S.C. § 848.

COUNT II

(Conspiracy to distribute a controlled substance, 21 U.S.C. § 846)

Beginning on a date unknown to the Grand Jury, but at least by June 29, 2004, and continuing until January 12, 2005, in the Central Division of the District of Utah and elsewhere,

MIGUEL LOPEZ-ROMERO, JIMMY LNU, LUIS ARMANDO SANCHEZ-ARCE, OMAR FLORES, IGNACIO GONZALEZ-CORONADO, FLOR LOPEZ, SHARON OLIVER, SHERRY ANN CANALES, JACK MARTINEZ and OSCAR ROSAS ARMAS,

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and/or with other persons known and unknown, to commit the following offense against the United States of America:

- a. To distribute one kilogram or more of a mixture or

substance containing a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, the use of such substance did result in the death of another, and did aid and abet therein; in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, all in violation of 21 U.S.C. § 846 and punishable under 21 U.S.C. § 841(b)(1)(A), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT III

(Conspiracy to distribute a controlled substance, 21 U.S.C. § 846)

Beginning on a date unknown to the Grand Jury, but at least by June 29, 2004, and continuing until at least January 12, 2005, in the Central Division of the District of Utah and elsewhere,

MIGUEL LOPEZ-ROMERO, JIMMY LNU, LUIS ARMANDO SANCHEZ-ARCE, OMAR FLORES, IGNACIO GONZALEZ-CORONADO, FLOR LOPEZ, SHARON OLIVER, SHERRY ANN CANALES, JACK MARTINEZ and OSCAR ROSAS-ARMAS,

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and/or with other persons known and unknown, to commit the following offense against the United States of America:

a. To distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and to aid and abet therein, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2; all in violation of 21 U.S.C.

§ 846 and punishable under 21 U.S.C. § 841(b)(1)(A), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT IV

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about June 29, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO and JIMMY LNU, defendants herein, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT V

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about June 29, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ ROMERO and JIMMY LNU, defendants herein, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C.

§ 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT VI

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 1, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO and OMAR FLORES, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT VII

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 1, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO and OMAR FLORES, defendants herein, did knowingly and intentionally distribute a

mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT VIII

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 6, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT IX

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 6, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT X

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 20, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XI

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 20, 2004, in the Central Division of the
District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XII

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 5, 2004, in the Central Division of the
District of Utah,

MIGUEL LOPEZ-ROMERO, OMAR FLORES and JIMMY LNU, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a

continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XIII

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 5, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, OMAR FLORES and JIMMY LNU, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XIV

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 22, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21

U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XV

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 22, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XVI

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 26, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO and JIMMY LNU, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin,

a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XVII

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 26, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XVIII

(Possession of a controlled substance with intent,
21 U.S.C. § 841(a)(1))

On or about January 12, 2005, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU, OMAR FLORES,
JACK MARTINEZ and OMAR ROSAS-ARMAS,

defendants herein, did knowingly and intentionally possess with intent to distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XIX

(Possession of a controlled substance with intent,
21 U.S.C. § 841(a)(1))

On or about January 12, 2005, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU, OMAR FLORES,
JACK MARTINEZ and OMAR ROSAS-ARMAS

defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XX

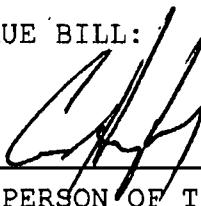
(Possession of firearm in furtherance of drug trafficking,
18 U.S.C. § 924(c))

On or about January 12, 2005, in the Central Division of the

District of Utah,

MIGUEL LOPEZ-ROMERO and JIMMY LNU,
defendants herein, in furtherance of the drug trafficking
offenses set forth in Counts XVIII and XIX, did knowingly and
intentionally possess a firearm: to wit a Colt .22 calibre
revolver; and did aid and abet therein, in violation of 18 U.S.C.
§§ 924(c)(1)(B) and 2.

A TRUE BILL:



FOREPERSON OF THE GRAND JURY

PAUL M. WARNER
United States Attorney

Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

PAUL M. WARNER, United States Attorney (#3389)
 VEDA M. TRAVIS, Assistant United States Attorney (#6449)
 Attorneys for the United States of America
 185 S. State St., #400
 Salt Lake City, Utah 84111
 Telephone: (801) 524-5682

JUN 28 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

ON SEASLED

UNITED STATES OF AMERICA,

INDICTMENT

Plaintiff,

VIO. 21 U.S.C. § 848,
 CONTINUING CRIMINAL
 ENTERPRISE; 21 U.S.C.
 § 846, CONSPIRACY TO
 DISTRIBUTE HEROIN AND
 COCAINE; 21 U.S.C.
 § 841(a)(1), DISTRIBUTION
 AND POSSESSION OF HEROIN
 AND COCAINE WITH INTENT; 18
 U.S.C. § 924(c), POSSESSION
 OF A FIREARM IN FURTHERANCE
 OF DRUG TRAFFICKING

vs.

MIGUEL ANGEL LOPEZ-ROMERO aka ✓
 EDUARDO MORENO aka PEDRO, JIMMY
 LNU aka OMAR HERNANDEZ aka
 MICHAEL MEDINA-MEJIA, LUIS
 ARMANDO SANCHEZ-ARCE aka GORDO,
 ✓ OMAR FLORES aka GEORGE, IGNACIO
 ✓ GONZALEZ-CORONADO aka NACHO aka
 MELIK, ✓ FLOR LOPEZ, SHARON
 OLIVER aka CHANA, SHERRY ANN
 CANALES, JACK HECTOR MARTINEZ ^
 and OSCAR DANIEL ROSAS-ARMAS, ^

Defendants.

Judge Ted Stewart
 DECK TYPE: Criminal
 DATE STAMP: 01/19/2005 @ 13:55:10
 CASE NUMBER: 2:05CR00028 TS

The Grand Jury charges:

COUNT I

(Continuing Criminal Enterprise, 21 U.S.C. § 848)

Beginning on a date unknown to the Grand Jury, but at least
 by June 29, 2004, and continuously thereafter until January 12,
 2005, in the Central Division of the District of Utah and
 elsewhere,

MIGUEL LOPEZ ROMERO aka EDUARDO MORENO,

26

defendant herein, did knowingly and willfully engage in a continuing criminal enterprise, that is, the defendant did violate 21 U.S.C. § 841(a)(1), 21 U.S.C. § 843(b), 21 U.S.C. § 846 and 18 U.S.C. § 2, which violations, including but not limited to those set forth in Counts II through XIX of this Indictment, were part of a continuing series of violations of Title 21 of the United States Code, and were undertaken by the defendant in concert with at least five other persons with respect to whom the defendant occupied a position of organizer, a supervisory position, or any other position of management, and from which the defendant obtained substantial income or resources; all in violation of 21 U.S.C. § 848.

COUNT II

(Conspiracy to distribute a controlled substance, 21 U.S.C. § 846)

Beginning on a date unknown to the Grand Jury, but at least by June 29, 2004, and continuing until January 12, 2005, in the Central Division of the District of Utah and elsewhere,

MIGUEL LOPEZ-ROMERO, JIMMY LNU, LUIS ARMANDO SANCHEZ-ARCE,
OMAR FLORES, IGNACIO GONZALEZ-CORONADO, FLOR LOPEZ,
SHARON OLIVER, SHERRY ANN CANALES,
JACK MARTINEZ and OSCAR ROSAS ARMAS,

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and/or with other persons known and unknown, to commit the following offense against the United States of America:

- a. To distribute one kilogram or more of a mixture or

substance containing a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, the use of such substance did result in the death of another, and did aid and abet therein; in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, all in violation of 21 U.S.C. § 846 and punishable under 21 U.S.C. § 841(b)(1)(A), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT III

(Conspiracy to distribute a controlled substance, 21 U.S.C. § 846)

Beginning on a date unknown to the Grand Jury, but at least by June 29, 2004, and continuing until at least January 12, 2005, in the Central Division of the District of Utah and elsewhere,

MIGUEL LOPEZ-ROMERO, JIMMY LNU, LUIS ARMANDO SANCHEZ-ARCE,
OMAR FLORES, IGNACIO GONZALEZ-CORONADO, FLOR LOPEZ,
SHARON OLIVER, SHERRY ANN CANALES,
JACK MARTINEZ and OSCAR ROSAS-ARMAS,

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and/or with other persons known and unknown, to commit the following offense against the United States of America:

a. To distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and to aid and abet therein, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2; all in violation of 21 U.S.C.

§ 846 and punishable under 21 U.S.C. § 841(b)(1)(A), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT IV

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about June 29, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO and JIMMY LNU, defendants herein, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT V

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about June 29, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ ROMERO and JIMMY LNU, defendants herein, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C.

§ 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT VI

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 1, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO and OMAR FLORES, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT VII

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 1, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO and OMAR FLORES, defendants herein, did knowingly and intentionally distribute a

mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT VIII

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 6, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT IX

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 6, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT X

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 20, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XI

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about July 20, 2004, in the Central Division of the
District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XII

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 5, 2004, in the Central Division of the
District of Utah,

MIGUEL LOPEZ-ROMERO, OMAR FLORES and JIMMY LNU, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a

continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XIII

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 5, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, OMAR FLORES and JIMMY LNU, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XIV

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 22, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21

U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XV

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 22, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XVI

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 26, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO and JIMMY LNU, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of heroin,

a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XVII

(Distribution of a controlled substance,
21 U.S.C. § 841(a)(1))

On or about August 26, 2004, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU and LUIS ARMANDO SANCHEZ-ARCE, defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XVIII

(Possession of a controlled substance with intent,
21 U.S.C. § 841(a)(1))

On or about January 12, 2005, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU, OMAR FLORES,
JACK MARTINEZ and ~~OMAR~~ ROSAS-ARMAS,

OSCAR

VM7 *RRM*

defendants herein, did knowingly and intentionally possess with intent to distribute a mixture or substance containing of a detectable amount of heroin, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XIX

(Possession of a controlled substance with intent,
21 U.S.C. § 841(a)(1))

On or about January 12, 2005, in the Central Division of the District of Utah,

MIGUEL LOPEZ-ROMERO, JIMMY LNU, OMAR FLORES,
JACK MARTINEZ and ~~OMAR~~ ROSAS-ARMAS
OSCAR

VMT

ARM

defendants herein, did knowingly and intentionally distribute a mixture or substance containing of a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §2, and punishable under 21 U.S.C. § 841(b)(1)(C), and which violation was part of a continuing series of violations of the Controlled Substances Act as alleged in Count I.

COUNT XX

(Possession of firearm in furtherance of drug trafficking,
18 U.S.C. § 924(c))

On or about January 12, 2005, in the Central Division of the

District of Utah,

MIGUEL LOPEZ-ROMERO and JIMMY LNU,
defendants herein, in furtherance of the drug trafficking
offenses set forth in Counts XVIII and XIX, did knowingly and
intentionally possess a firearm: to wit a Colt .22 calibre
revolver; and did aid and abet therein, in violation of 18 U.S.C.
§§ 924(c)(1)(B) and 2.

A TRUE BILL -

151

FOREPERSON OF THE GRAND JURY

PAUL M. WARNER
United States Attorney

Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

FILED
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT 2005 A 7:46

DISTRICT OF UTAH, CENTRAL DIVISION, OF UTAH

BY:

DEPUTY CLERK

UNITED STATES OF AMERICA,	:	2:05CR00028 TS
Plaintiff,	:	ORDER TO UNSEAL INDICTMENT
vs.	:	
MIGUEL ANGEL LOPEZ-ROMERO aka	:	
EDUARDO MORENO aka PEDRO, JIMMY	:	
LNU aka OMAR HERNANDEZ aka	:	
MICHAEL MEDINA-MEJIA, LUIS	:	
ARMANDO SANCHEZ-ARCE aka GORDO,	:	
OMAR FLORES aka GEORGE, IGNACIO	:	
GONZALEZ-CORONADO aka NACHO aka	:	
MELIK, FLOR LOPEZ, SHARON	:	
OLIVER aka CHANA, SHERRY ANN	:	
CANALES, JACK HECTOR MARTINEZ	:	
and OSCAR DANIEL ROSAS-ARMAS,	:	
Defendants.	:	

Based on the motion of the United States, and for good cause appearing, the Court hereby grants government's motion to unseal the indictment.

DATED this 20 day of January, 2005.


BROOKE WELLS
United States Magistrate Judge

28

jmr

United States District Court
for the
District of Utah
January 21, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Ms. Deirdre A Gorman, Esq.
205 26TH ST STE 32
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PO BOX 112338
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SALT LAKE CITY, UT 84147
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Mark J. Gregersen, Esq.
3855 S 500 W STE M
SALT LAKE CITY, UT 84115
EMAIL

US Probation
DISTRICT OF UTAH
EMAIL

United States Marshal Service
DISTRICT OF UTAH
EMAIL

Veda Travis, AUSA

FILED
CLERK, U.S. DISTRICT COURT

2005 JAN 28 P 3:57

PAUL M. WARNER, United States Attorney (3389) DISTRICT OF UTAH
VEDA M. TRAVIS, Assistant United States Attorney (#6449)
Attorneys for the United States of America BY: *[Signature]*
185 South State Street, Suite 400 DEPUTY CLERK
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	2:05CR 0028TS
v.	:	
MIGUEL ANGEL LOPEZ-ROMERO aka	:	INITIAL NOTIFICATION
EDUARDO MORENO aka PEDRO, JIMMY	:	OF DISCOVERY COMPLIANCE
LNU aka OMAR HERNANDEZ aka	:	
MICHAEL MEDINA-MEJIA, LUIS	:	
ARMANDO SANCHEZ-ARCE aka GORDO,	:	
OMAR FLORES aka GEORGE, IGNACIO	:	
GONZALEZ-CORONADO aka NACHO aka	:	
MELIK, FLOR LOPEZ, SHARON	:	
OLIVER aka CHANA, SHERRY ANN	:	
CANALES, JACK HECTOR MARTINEZ	:	
and OSCAR DANIEL ROSAS-ARMAS,	:	
Defendants.	:	

Pursuant to DUCrimR 16-1(h) Rules of Practice (D. Utah), the United States hereby gives notice that the following have been provided to defense counsel, named in the attached Certificate of Service:

1. El Chupacabra Document Index which provides listing of all evidence;

44

2. El Chupacabra Fact Chronology which provides akas of defendants and others;

3. CD Labeled "El Chupacabra Build" containing copies of documents bates numbered:

EC00001 - EC01463
EC01508 - EC02545

2. CD Labeled "El Chupacabra" containing copies of digital photographs, wire tap conversations, line sheets, and transcripts contained in bates numbers:

EC01494 - EC01502
EC02546 - EC02553

The following audio recordings and video surveillance are also available for viewing or duplicating by contacting Demi Johnson, OCDETF Paralegal, during regular business hours at (801) 325-3265:

Video Surveillance Recordings:

EC01464 (DEA Exhibit N-17 wide view)
EC01465 (N-17 close view)
EC01466 (N-40)
EC01467 (N-44)
EC01468 (N-47)
EC01469 (N-51)
EC01470 (N-69A)
EC01471 (N-69B)
EC01472 (N-76)
EC01473 (N-77)
EC01474 (N-79)
EC01475 (N-84)
EC01476 (N-87)

EC01477 (N-88)
EC01478 (N-93)
EC01479 (N-97)
EC01480 (N-103)
EC01481 (N-104)

Audio Tape Recordings:

EC01482 (N-9)
EC01483 (N-10)
EC01484 (N-12)
EC01485 (N-42)
EC01486 (N-45)
EC01487 (N-46)
EC01488 (N-48)
EC01489 (N-49)
EC01490 (N-50)
EC01491 (N-52)
EC01492 (N-54)
EC01493 (N-89)

DATED this 28th day of January, 2005.

PAUL M. WARNER
United States Attorney

Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing STATEMENT OF DISCOVERY POLICY was mailed postage pre-paid to all parties named below, this 28th day of January, 2005.

Deirdre A. Gorman
Counsel for Miguel Angel Lopez-Romero
205 26th Street, Suite 32
Ogden, Utah 84401

Candice A. Johnson
Counsel for Jimmy LNU
10 West Broadway, #210
Salt Lake City, Utah 84111

Luis Armando Sanchez-Arce
(No Counsel)

Julie George
Counsel for Omar Flores
P.O. Box 112338
29 South State Street, #7
Salt Lake City, Utah 84147

Ignacio Gonzalez-Coronado
(No Counsel)

Flor Lopez
(No Counsel)

Mark J. Gregersen
Counsel for Sharon Oliver
3855 South 500 West, Suite M
Salt Lake City, Utah 84115

Sherry Ann Canales
(No Counsel)

Jack Hector Martinez
(No Counsel)

Oscar Daniel Rosas-Armas
(No Counsel)

Demi Johnson

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

JUDGE: Hon. David Nuffer

COURT REPORTER: Electronic
COURTROOM DEPUTY: Anndrea Bowers
INTERPRETER: Ed Hannan

DATE: 1/31/05

TAPE NO. 247, 248

CASE NO. 2:05-CR-28 TS

LOG NO. 6468 - 420

USA v. Jack Hector Martinez & Oscar Daniel Rosas-Armas

Approved By: _____

APPEARANCE OF COUNSEL

Pla	Veda Travis
Dft	Manny Garcia
Dft	Colleen Coebergh
US PO	Stacey Smith

MATTER SET: Initial Appearance, Arraignment, Pretrial Conference

DOCKET ENTRY:

Defendants present and in custody. Interpreter present and sworn. Interpreter read Indictment, charges, rights and penalties explained. Each Defendant requested counsel. Financial Affidavits submitted. Court appointed CJA counsel for each defendant, who were present and accepted the CJA appointments. Government moved to amend Counts 18 and 19 of the Indictment to read Oscar Rosas-Armas, instead of Omar Rosas Armas. Defendant objected and requested that the government go before the Grand Jury to supersede the indictment. Court directed the government to take the amendment to the grand jury. The defendant did not have to answer to Counts 18 and 19 at this time. Each Defendant waived the formal reading of the Indictment and entered a plea of NOT GUILTY. 10-day jury trial set for 3/28/05 at 8:30 a.m. before Judge Ted Stewart. Motion filing deadline set for 2/25/05. Government requested detention. Government represented that an ICE detainer has been placed on Mr. Rosas-Armas. Ms. Coebergh will research the matter further and, if need be, will request a detention hearing at a later date. PTS report requested for Mr. Martinez. Detention hearing set for 2/3/05 at 10:00 a.m. Court scheduled Mr. Rosas-Armas to be arraigned on Counts 18 and 19 for 2/4/05 at 10:15 a.m. Defendants remanded to the custody of the USMS.

AO 470 (8/85) Order of Temporary Detention

United States District Court

CENTRAL DISTRICT OF UTAH

UNITED STATES OF AMERICA
v.ORDER OF TEMPORARY DETENTION
PENDING HEARING RE:
BAIL REFORM ACT

JACK HECTOR MARTINEZ

Case Number: 2:05-CR-28 TS

Upon motion of the United States of America, it is ORDERED that a
 detention hearing is set for Wednesday, 2/2/05 * at 10:00 a.m.
 before Magistrate Judge David Nuffer

United States District Court - 350 South Main Street - Room 477 - Salt Lake City, Utah

Pending this hearing, the defendant shall be held in the custody of (the United States Marshal)

and produced for hearing.

Other Custodial Official

Date: 31 January 2005

[Signature]

Judicial Officer

*If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate a prospective witness or juror.

57

asb

United States District Court
for the
District of Utah
February 10, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE

EMAIL

US Probation
DISTRICT OF UTAH

EMAIL

United States Marshal Service
DISTRICT OF UTAH

EMAIL

Mr. Manny C Garcia, Esq.
150 S 600 E STE 5-C
SALT LAKE CITY, UT 84102
EMAIL

United States District Court

RECEIVED

JAN 20 2005

DISTRICT OF UTAH - CENTRAL DIVISION

UNITED STATES OF AMERICA

2005 U.S. - 2 A 9:07

V.

USA v. Lopez-Romero et al

WARRANT FOR ARREST

To: The United States Marshal
and any Authorized United States Officer

CASE NUMBER: 2:05cr28-009 TS

UN

ORIGINAL

YOU ARE HEREBY COMMANDED to arrest _____

JACK HECTOR MARTINEZ

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment Superseding Indictment Information Superseding Information
 Complaint Order of court Violation Notice Probation Violation Petition

charging him or her with (brief description of offense)

Conspiracy to Distribute Heroin and Cocaine; Distribution and Possession of Heroin and Cocaine with Intent

in violation of 21 USC 846; 21 USC 841(a)(1)

United States Code.

Markus B. Zimmerman

Name of Issuing Officer

Clerk of Court

Title of Issuing Officer

Signature of Issuing Officer

January 20, 2005 at Salt Lake City, Utah

Date and Location

By: Jennifer Richards
Deputy Clerk

Bail fixed _____

by _____

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at VSDC

DATE RECEIVED <u>02/01/05</u>	NAME AND TITLE OF ARRESTING OFFICER <u>Anthony Sefin</u> <u>DJSM</u>	SIGNATURE OF ARRESTING OFFICER <u>Anthony Sefin</u>
DATE OF ARREST <u>02/01/05</u>		

KA

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

JUDGE: Hon. David Nuffer

COURT REPORTER: Electronic
COURTROOM DEPUTY: Anndrea Bowers
INTERPRETER: Grant Anderson

DATE: 2/3/05

TAPE NO. 253

CASE NO. 2:05-CR-28 TS

LOG NO. 180 - 515

USA v. Jack Hector Martinez

Approved By: _____

APPEARANCE OF COUNSEL

Pla	Veda Travis
Dft	Manny Garcia
US PO	Stacey Smith

MATTER SET: Detention Hearing

DOCKET ENTRY:

Defendant present with counsel and in custody. Interpreter present and sworn. Pretrial Services report received. Discussion heard on the defendant's PTS report and detention status. Based on information in the PTS report, the Court ordered the defendant detained pending trial. Defendant remanded to the custody of the USMS.

United States District Court

CENTRAL DISTRICT OF UTAH

UNITED STATES OF AMERICA

ORDER OF DETENTION PENDING TRIAL

v.

JACK HECTOR MARTINEZ

Case Number:

2:05-CR-28 TS

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

(1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is

- a crime of violence as defined in 18 U.S.C. §3156(a)(4)
- an offense for which the maximum sentence is life imprisonment or death
- an offense for which the maximum term of imprisonment of ten years or more is prescribed in _____

(2) a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses

(3) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense

(4) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).

(5) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternate Findings (A)

(1) There is probable cause to believe that the defendant has committed an offense

- for which a maximum term of imprisonment of ten years or more prescribed in _____
- under 18 U.S.C. §924(c)

(2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternate Findings (B)

(1) There is a serious risk that the defendant will not appear.

(2) There is a serious risk that the defendant will endanger the safety of another person or the community

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by (clear and convincing evidence) (a preponderance of the evidence) that

*travel to Mexico
No ties to area of Utah - SCC
scant identification information*

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: February 2, 2005



Signature of Judicial Officer

MAGISTRATE JUDGE DAVID J. MUFFER

Name and Title of Judicial Officer

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. §801 et seq); (b) Controlled Substances Import and Export Act (21 U.S.C. §951 et seq); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. §955a).

asb

United States District Court
for the
District of Utah
February 11, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE

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EMAIL

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EMAIL

Julie George, Esq.
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SALT LAKE CITY, UT 84147
EMAIL

Mark J. Gregersen, Esq.
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DISTRICT OF UTAH

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United States Marshal Service
DISTRICT OF UTAH
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Mr Richard P Mauro, Esq.
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SALT LAKE CITY, UT 84111
EMAIL

FILED
CLERK, U.S. DISTRICT COURT

KOD FED 10 P 425

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BY: DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

JACK HECTOR MARTINEZ and OSCAR
DANIEL ROSAS-ARMAS

Defendant(s),

PRETRIAL ORDER PURSUANT
TO RULE 17.1 F.R.Cr.P.

Case No. 2:05-CR-28 TS

The above-entitled action came on for pretrial conference January 31, 2005, before David Nuffer, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for 3/28/05, (10 days) at 8:30 a.m. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Ted Stewart by 3/25/05 along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit



further dissemination of the document.

3. Pretrial motions are to be filed by: 2/25/05 at 5:00 p.m.
4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 3/14/05. If negotiations are not completed for a plea by the date set, the case will be tried.
5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.
6. Defendant's release or detention status: Detained.
7. All exhibits will be premarked before Judge Ted Stewart's clerk before trial.
8. Other order and directions are:
9. Interpreter Needed: Yes X No Language Spanish

DATED this 31 day of January, 2005.

BY THE COURT:



David Nuffer
Magistrate Judge

alt

United States District Court
for the
District of Utah
February 11, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE

EMAIL

Ms. Deirdre A Gorman, Esq.
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US Probation
DISTRICT OF UTAH

EMAIL

United States Marshal Service
DISTRICT OF UTAH

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CJA, CLOSED, INTERPRETER, NO_FPD

**Electronic Case Filing System
District of Utah (Central)
CRIMINAL DOCKET FOR CASE #: 2:05-cr-00028-TS-9**

Case title: USA v. Lopez-Romero, et al

Date Filed: 01/19/2005

Other court case number: 2:05-cr-00049 USDC DIST UT

Date Terminated: 08/22/2005

Assigned to: Judge Ted Stewart

Defendant (9)**Jack Hector Martinez**

TERMINATED: 08/22/2005

represented by **Manny C Garcia**

150 S 600 E STE 5-C

SALT LAKE CITY, UT 84102

(801)322-1616

Email: mannycgarcia@qwestoffice.net

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: CJA Appointment***Pending Counts**21:846=CD.F CONSPIRACY TO
DISTRIBUTE CONTROLLED
SUBSTANCE/Conspiracy to Distribute
a Controlled Substance
(3)**Disposition**37 months custody of BOP, followed by
60 months supervised release. Standard
and special conditions imposed.**Highest Offense Level (Opening)**

Felony

Terminated Counts21:846=CD.F CONSPIRACY TO
DISTRIBUTE CONTROLLED
SUBSTANCE/Conspiracy to Distribute
a Controlled Substance
(2)**Disposition**

Dismissed per government motion.

21:841A=CD.F CONTROLLED
SUBSTANCE - SELL, DISTRIBUTE,
OR DISPENSE/Possession of
Controlled Substance with Intent
(18)

Dismissed per government motion.

21:841A=CD.F CONTROLLED
 SUBSTANCE - SELL, DISTRIBUTE,
 OR DISPENSE/Possession of a
 Controlled Substance with Intent
 (19)

Dismissed per government motion.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Notice Party

US Probation

TERMINATED: 04/29/2005

Notice Party

United States Marshal Service

TERMINATED: 04/29/2005

Plaintiff

UNITED STATES OF AMERICA

represented by **Veda M. Travis**

US ATTORNEY'S OFFICE (UT)

SALT LAKE CITY, UT 00000

(801)524-5682

Email: cindy.dobyns@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/19/2005	26	SEALED INDICTMENT as to Miguel Angel Lopez-Romero (1) count(s) 1, 2-3, 4-5, 6-7, 8-11, 12-13, 14-15, 16, 17, 18, 19, 20, Jimmy LNU (2) count(s) 2-3, 4-5, 8-11, 12-13, 14-15, 16, 17, 18, 19, 20, Luis Armando Sanchez-Arce (3) count(s) 2-3, 8-11, 14-15, 17, Omar Flores (4) count(s) 2-3, 6-7, 12-13, 18, 19, Ignacio Gonzalez-Coronado (5) count(s) 2-3, Flor Lopez (6) count(s) 2-3, Sharon Oliver (7) count(s) 2-3, Sherry Ann Canales (8) count(s) 2-3, Jack Hector Martinez (9) count(s) 2-3, 18, 19, Oscar Daniel Rosas-Armas (10) count(s) 2-3, 18, 19. Assigned to Judge Ted Stewart (Preliminary Examination cancelled.) (jmr) (Entered: 01/21/2005)
01/20/2005	27	ARREST WARRANT issued as to Miguel Angel Lopez-Romero, Jimmy LNU, Luis Armando Sanchez-Arce, Omar Flores, Ignacio Gonzalez-

https://ecf.utd.uscourts.gov/cgi-bin/DktRpt.pl?315797540647912-L_567_0-1

9/5/2008

		Coronado, Flor Lopez, Sharon Oliver, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas (jmr) (Entered: 01/21/2005)
01/21/2005	28	ORDER as to Miguel Angel Lopez-Romero, Jimmy LNU, Luis Armando Sanchez-Arce, Omar Flores, Ignacio Gonzalez-Coronado, Flor Lopez, Sharon Oliver, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas, to unseal the indictment Signed by Judge Brooke C. Wells on 1/20/05 cc: atty (jmr) (Entered: 01/21/2005)
01/21/2005		Indictment unsealed as to Miguel Angel Lopez-Romero, Jimmy LNU, Luis Armando Sanchez-Arce, Omar Flores, Ignacio Gonzalez-Coronado, Flor Lopez, Sharon Oliver, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas (jmr) (Entered: 01/21/2005)
01/28/2005	44	INITIAL CERTIFICATE OF COMPLIANCE filed by USA as to Miguel Angel Lopez-Romero, Jimmy LNU, Luis Armando Sanchez-Arce, Omar Flores, Ignacio Gonzalez-Coronado, Flor Lopez, Sharon Oliver, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas (alt) (Entered: 01/28/2005)
01/31/2005	52	Initial appearance as to Jack Hector Martinez, Oscar Daniel Rosas-Armas held. Defendants present and in custody. Interpreter present and sworn. Interpreter read Indictment, charges, rights and penalties explained. Each Defendant requested counsel. Financial Affidavits submitted. Court appointed CJA counsel for each defendant, who were present and accepted the CJA appointments. Government moved to amend Counts 18 and 19 of the Indictment to read Oscar Rosas-Armas, instead of Omar Rosas Armas. Defendant objected and requested that the government go before the Grand Jury to supersede the indictment. Court directed the government to take the amendment to the grand jury. The defendant did not have to answer to Counts 18 and 19 at this time. Each Defendant waived the formal reading of the Indictment and entered a plea of NOT GUILTY. 10-day jury trial set for 3/28/05 at 8:30 a.m. before Judge Ted Stewart. Motion filing deadline set for 2/25/05. Government requested detention. Government represented that an ICE detainer has been placed on Mr. Rosas-Armas. Ms. Coebergh will research the matter further and, if need be, will request a detention hearing at a later date. PTS report requested for Mr. Martinez. Detention hearing set for 2/3/05 at 10:00 a.m. Court scheduled Mr. Rosas-Armas to be arraigned on Counts 18 and 19 for 2/4/05 at 10:15 a.m. Defendants remanded to the custody of the USMS. (Defendant informed of rights.) Atty for Govt: Veda Travis, Atty for Dft: Manny Garcia, CJA, Colleen Coebergh, CJA. Judge David Nuffer Court Reporter: Electronic, Tape No.: 247, 248 Log No.: 6468-420, Court Deputy: A Bowers, Interpreter: Ed Hannan (asb) (Entered: 02/10/2005)
01/31/2005	52	Arraignment as to Jack Hector Martinez, Oscar Daniel Rosas-Armas held. 10 day jury trial set for 8:30 3/28/05 for Jack Hector Martinez, for Oscar Daniel Rosas-Armas motion filing set for 2/25/05 for Jack Hector Martinez, for Oscar Daniel Rosas-Armas , , . Judge David Nuffer , , , (asb) (Entered: 02/10/2005)
01/31/2005	53	CJA 23 FINANCIAL AFFIDAVIT by Jack Hector Martinez (asb) (Entered: 02/10/2005)

01/31/2005	54	CJA 20 as to Jack Hector Martinez : Appointment of Attorney Manny Garcia Appointed by Judge David Nuffer (asb) (Entered: 02/10/2005)
01/31/2005	57	ORDER OF DETENTION as to Jack Hector Martinez Detention Hearing set for 10:00 2/3/05 for Jack Hector Martinez (Signed by Judge David Nuffer) 1/31/05 (asb) (Entered: 02/10/2005)
02/01/2005	47	Sealed ex parte order signed by Judge Ted Stewart on 1/31/05 cc:atty (jmr) (Entered: 02/01/2005)
02/02/2005	49	ARREST WARRANT Returned Executed as to Jack Hector Martinez on 2/1/05 (jmr) (Entered: 02/02/2005)
02/03/2005	64	Detention hearing as to Jack Hector Martinez held. Defendant present with counsel and in custody. Interpreter present and sworn. Pretrial Services report received. Discussion heard on the defendant's PTS report and detention status. Based on information in the PTS report, the Court ordered the defendant detained pending trial. Defendant remanded to the custody of the USMS. Aty for Govt: Veda Travis, Aty for Dft: Manny Garcia, CJA. Judge David Nuffer Court Reporter: Electronic, Tape No.: 253 Log No.: 180-515, Court Deputy: A Bowers, Interpreter: Grant Anderson (asb) (Entered: 02/11/2005)
02/03/2005	65	ORDER OF DETENTION as to Jack Hector Martinez (Signed by Judge David Nuffer) 2/3/05 (asb) (Entered: 02/11/2005)
02/04/2005	51	NOTICE of Appearance for Jack Hector Martinez by Attorney Manny Garcia. (jmr) (Entered: 02/04/2005)
02/10/2005	59	PRETRIAL ORDER as to Jack Hector Martinez, Oscar Daniel Rosas-Armas setting 10-Day Jury Trial for 8:30 3/28/05 for Jack Hector Martinez, for Oscar Daniel Rosas-Armas; Deadline for filing of all motions 5:00 2/25/05 for Jack Hector Martinez, for Oscar Daniel Rosas-Armas; Proposed jury instructions and proposed voir dire due 3/25/05; plea negotiations, if appropriate, should be completed by 3/14/05. See order in file for specifics. Signed by Judge David Nuffer 1/31/05 Interpreter: Yes, Spanish. cc: atty (alt) (Entered: 02/11/2005)
02/15/2005	70	Supplemental CERTIFICATE OF COMPLIANCE filed by USA as to Miguel Angel Lopez-Romero, Jimmy LNU, Luis Armando Sanchez-Arce, Omar Flores, Ignacio Gonzalez-Coronado, Flor Lopez, Sharon Oliver, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas (jmr) (Entered: 02/16/2005)
02/24/2005	76	MOTION by Jack Hector Martinez to extend time upto 3/18/05 to file pretrial motions (jmr) (Entered: 02/25/2005)
02/28/2005	78	ORDER as to Jack Hector Martinez granting [74-1] motion to extend time for motion filing deadline as to Sharon Oliver (7), motion filing deadline 3/18/05 for Miguel Angel Lopez-Romero, for Jimmy LNU, for Luis Armando Sanchez-Arce, for Omar Flores, for Ignacio Gonzalez-Coronado, for Flor Lopez, for Sharon Oliver, for Sherry Ann Canales, for Jack Hector Martinez, for Oscar Daniel Rosas-Armas Signed by Judge Ted Stewart on 2/28/05 cc: atty (jmr) (Entered: 03/01/2005)

03/11/2005	79	Sealed ex parte order signed by Judge Ted Stewart on 3/10/05 cc:atty (jmr) (Entered: 03/11/2005)
03/11/2005	80	Modified ORDER as to Jack Hector Martinez granting [76-1] motion to extend time upto 3/18/05 to file pretrial motions as to Jack Hector Martinez (9), to Continue in Interests of Justice Time Excluded from 3/19/05 to 3/28/05 Signed by Judge Ted Stewart on 3/10/05 cc: atty (jmr) (Entered: 03/11/2005)
03/15/2005	81	NOTICE of Hearing :, terminated deadlines re: jury trial , set Change of Plea Hearing for 2:30 p.m. on 4/14/05 for Sherry Ann Canales Judge Ted Stewart cc:atty (Ntc generated by: Chambers TS, SM.) (jmr) (Entered: 03/15/2005)
03/21/2005	83	NOTICE of Hearing :, set Change of Plea Hearing for 2:30 p.m. on 4/12/05 for Jack Hector Martinez Judge Ted Stewart cc:atty (Ntc generated by: Chambers TS, SM.) (jmr) (Entered: 03/21/2005)
03/31/2005	92	Supplemental CERTIFICATE OF COMPLIANCE filed by USA as to Miguel Angel Lopez-Romero, Jimmy LNU, Luis Armando Sanchez-Arce, Omar Flores, Ignacio Gonzalez-Coronado, Flor Lopez, Sharon Oliver, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas (jmr) (Entered: 03/31/2005)
04/04/2005	96	Sealed ex parte order signed by Judge Ted Stewart on 4/4/05 cc:atty (jmr) (Entered: 04/05/2005)
04/11/2005		After the initial appearance/arraignment for dft Flor Lopez it was determined that there is an ICE detainer in place. Detention hearing is STRICKEN and an order is executed and filed. (alp) (Entered: 04/18/2005)
04/12/2005	98	Minute entry of proceedings held before Judge Ted Stewart 'as to Jack Hector Martinez : ,The defendant is sworn and answers questions posed by the Court. Statement in Advance of Plea of Guilty is executed and filed in Court. The Court finds a factual basis upon which to proceed with this matter, and further finds the defendant enters a plea of guilty to count 3 of the Indictment freely and voluntarily, with full knowledge of his legal rights and consequences of entering the plea. The Court finds the defendant is fully competent and accepts the guilty plea. The Court orders a Pre-sentence Report. Dustin Russell, USPO is present and a report will be prepared. Sentencing is set for 6/29/05 at 2:00 p.m. The defendant is remanded to the custody of USMS. Guilty: Jack Hector Martinez (9) count(s) 3 (Terminated motions:) , court orders PSI Report , set Sentencing for 2:00 6/29/05 for Jack Hector Martinez (Oral Order) Aty for Govt: Veda Travis, Aty for Dft: Manny Garcia, cja. Court Reporter: Patti Walker Court Deputy: Sandy Malley Interpreter: Ed Hannan (slm) (Entered: 04/12/2005)
04/12/2005	99	Statement in Advance of Plea Accepted as to Jack Hector Martinez (slm) (Entered: 04/12/2005)
04/13/2005		Associated cases flag set. Associated case(s): 2:05-CR-49-TS (asp) (Entered: 04/15/2005)
04/15/2005	102	NOTICE of Hearing :, Set Change of Plea Hearing for 11:30 4/26/05 for Sharon Oliver Judge Ted Stewart cc:atty (Ntc generated by: TS chambers)

		(kvs) (Entered: 04/15/2005)
04/15/2005	<u>103</u>	NOTICE of Hearing :, Set Sentencing for 2:00 6/29/05 for Jack Hector Martinez Judge Ted Stewart cc:atty (Ntc generated by: TS chambers) (kvs) (Entered: 04/15/2005)
04/19/2005	<u>109</u>	NOTICE of Hearing :, Sentencing for 2:00 p.m. on 6/30/05 for Sherry Ann Canales Judge Ted Stewart cc:atty (Ntc generated by: Chambers TS, SM.) (jmr) (Entered: 04/19/2005)
04/27/2005	<u>113</u>	NOTICE of Hearing :, set Sentencing for 2:30 p.m. on 6/30/05 for Sharon Oliver Judge Ted Stewart cc:atty (Ntc generated by: Chambers TS, SM.) (jmr) (Entered: 04/27/2005)
05/04/2005	<u>122</u>	SUPPLEMENTAL CERTIFICATE OF COMPLIANCE filed by UNITED STATES OF AMERICA as to Luis Armando Sanchez-Arce, Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Ignacio Gonzalez-Coronado, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas. (jmr) (Entered: 05/05/2005)
05/10/2005		Set/Reset Hearings AMENDED as to Jack Hector Martinez: Sentencing set for 8/18/2005 02:00 PM in Room 142 before Judge Ted Stewart. Hearing continued from 6/29/05. (slm,) (Entered: 05/10/2005)
05/20/2005		Terminate Deadlines and Hearings as to Jack Hector Martinez: Motion Filing Deadline, Change of Plea Hearing, Sentencing on 6/29/05. Sentencing currently set for 8/18/05 (rak,) (Entered: 05/20/2005)
07/28/2005	<u>158</u>	Dfts Position with Respect to Sentencing Factors as to Jack Hector Martinez (jmr) (Entered: 08/01/2005)
07/29/2005	<u>163</u>	Governments Position with Respect to Sentencing Factors as to Jack Hector Martinez (jmr) (Entered: 08/02/2005)
08/09/2005	<u>170</u>	SUPPLEMENTAL CERTIFICATE OF DISCOVERY COMPLIANCE filed by UNITED STATES OF AMERICA as to Luis Armando Sanchez-Arce, Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Ignacio Gonzalez-Coronado, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas. (kvs,) (Entered: 08/11/2005)
08/18/2005	<u>177</u>	Minute Entry for proceedings held before Judge Ted Stewart :Sentencing held on 8/18/2005 for Jack Hector Martinez (9), Count(s) 18, 19, 2, Dismissed; Count(s) 3, 37 months custody of BOP, followed by 60 months supervised release. Standard and special conditions imposed.. Court grants defendants motion for the safety valve. Defendant sentenced to 37 months custody of BOP, followed by 60 months supervised release. Standard conditions of release imposed with the following special conditions: 1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use or excessive and/or illegal consumption of alcohol such as alcohol-related criminal or traffic offenses, the defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the USPO and shall not possess or consume alcohol during the

		<p>course of treatment. 2. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition. 3. Defendant shall refrain from association with any known gang members. 4. Defendant shall submit to the collection of a DNA sample at the direction of BOP or USPO. Court waives the fine. A \$100 SPA is imposed and due immediately. Upon motion of the government, Court waives Counts 2, 18, and 19 of the Indictment. Defendant remanded to the custody of USMS. Attorney for Plaintiff: Veda Travis, Attorney for Defendant: Manny Garcia, cja. Interpreter: Grant Anderson. Probation Officer: Dustin Russell.(Court Reporter Patti Walker.) (slm,) (Entered: 08/19/2005)</p>
08/22/2005	178	JUDGMENT as to Jack Hector Martinez (9), Count(s) 18, 19, 2, Dismissed per government motion.; Count(s) 3- 37 months custody of BOP, followed by 60 months supervised release. Standard and special conditions imposed. Fine waived. SPA: \$100.00. Signed by Judge Ted Stewart on 8/19/05. (jmr) (Entered: 08/22/2005)
08/24/2005	180	Supplemental CERTIFICATE OF COMPLIANCE filed by UNITED STATES OF AMERICA as to Luis Armando Sanchez-Arce, Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Ignacio Gonzalez-Coronado, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas. (jmr) (Entered: 08/26/2005)
08/30/2005	182	MOTION for Status Conference/Hearing by UNITED STATES OF AMERICA as to Luis Armando Sanchez-Arce, Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Ignacio Gonzalez-Coronado, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas. (jmr) (Entered: 09/01/2005)
08/30/2005	183	Supplemental Notification of Discovery COMPLIANCE filed by UNITED STATES OF AMERICA as to Luis Armando Sanchez-Arce, Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Ignacio Gonzalez-Coronado, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas. (jmr) (Entered: 09/01/2005)
09/01/2005	187	ORDER granting 182 Motion for Hearing as to Miguel Angel Lopez-Romero (1), Jimmy LNU (2), Luis Armando Sanchez-Arce (3), Omar Flores (4), Ignacio Gonzalez-Coronado (5), Flor Lopez (6), Sharon Oliver (7), Sherry Ann Canales (8), Jack Hector Martinez (9), Oscar Daniel Rosas-Armas (10). Status conference set for 9/19/05 at 11:00 a.m. Signed by Judge Ted Stewart on 8/31/05. (jmr) (Entered: 09/06/2005)
09/21/2005		Terminate Deadlines and Hearings as to Luis Armando Sanchez-Arce, Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Ignacio Gonzalez-Coronado, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas: Status conference deadlines terminated. (ljw,) (Entered: 09/21/2005)

09/30/2005	<u>191</u>	CERTIFICATE OF COMPLIANCE <i>Supplemental</i> filed by UNITED STATES OF AMERICA as to Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas. (Travis, Veda) (Entered: 09/30/2005)
10/18/2005	<u>199</u>	ORDER TO CONTINUE - Ends of Justice as to Luis Armando Sanchez-Arce, Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Ignacio Gonzalez-Coronado, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas Time excluded from 9/20/05 until 3/20/06. Motions terminated as to Luis Armando Sanchez-Arce, Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Ignacio Gonzalez-Coronado, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas: 195 Second MOTION to Continue <i>Trial</i> filed by Jimmy LNU. Trial is reset for 3/20/06-4/7/06. Signed by Judge Ted Stewart on 10/17/05. (jmr) Modified on 10/20/2005-to clarify trial dates (jmr). (Entered: 10/18/2005)
10/20/2005	<u>200</u>	MODIFICATION OF DOCKET by Luis Armando Sanchez-Arce, Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Ignacio Gonzalez-Coronado, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas. Error: Trial dates read incorrectly. Correction: Correct Trial date is from March 20-April 7, 2006. re <u>199</u> Order to Continue - Ends of Justice, Terminate Motions. (jmr) (Entered: 10/20/2005)
10/31/2005	<u>203</u>	Judgment Returned Executed as to Jack Hector Martinez on 10/26/05. (jmr) (Entered: 11/01/2005)
03/20/2006	<u>251</u>	NOTICE of E-Mail Notification to the United States Attorney's Office Victim/Witness Coordinator by UNITED STATES OF AMERICA as to Luis Armando Sanchez-Arce, Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Ignacio Gonzalez-Coronado, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas (Travis, Veda) (Entered: 03/20/2006)
04/04/2006	<u>255</u>	NOTICE OF HEARING as to Luis Armando Sanchez-Arce, Omar Flores, Jimmy LNU, Miguel Angel Lopez-Romero, Sharon Oliver, Ignacio Gonzalez-Coronado, Flor Lopez, Sherry Ann Canales, Jack Hector Martinez, Oscar Daniel Rosas-Armas (Notice generated by Chambers/slm) Scheduling Conference set for 4/10/2006 11:00 AM in Room 142 before Judge Ted Stewart. THIS HEARING IS FOR ALL COUNSEL WHOSE CLIENTS HAVE NOT PLEAD. NO DEFENDANTS WILL BE PRESENT, BUT ALL COUNSEL SHOULD BE. PLEASE NOTE THIS DATE AND TIME.(slm,) (Entered: 04/04/2006)
01/24/2008	<u>420</u>	ORDER for Modifying Conditions of Supervision With Consent of the Offender as to Jack Hector Martinez re: travel to Mexico. Signed by Judge Ted Stewart on 1/24/08. (ce) (Entered: 01/25/2008)
08/26/2008	<u>421</u>	SUPERVISED RELEASE JURISDICTION TRANSFERRED to California Southern as to Jack Hector Martinez (asp) (Entered: 08/26/2008)
08/26/2008	<u>422</u>	NOTICE OF TRANSMITTAL that case has been transferred to Southern District of California per order entered 08/25/2008. Letter, Order sent. (asp)

(Entered: 08/26/2008)

PACER Service Center			
Transaction Receipt			
09/05/2008 08:45:02			
PACER Login:	ud0077	Client Code:	
Description:	Docket Report	Search Criteria:	2:05-cr-00028-TS
Billable Pages:	6	Cost:	0.48

FILED
CLERK U.S. DISTRICT COURT

2005 FEB 15 P 3:50

PAUL M. WARNER, United States Attorney (3389)
VEDA M. TRAVIS, Assistant United States Attorney (#6449)
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	2:05CR 0028TS
v.	:	
MIGUEL ANGEL LOPEZ-ROMERO aka EDUARDO MORENO aka PEDRO, JIMMY LNU aka OMAR HERNANDEZ aka MICHAEL MEDINA-MEJIA, LUIS ARMANDO SANCHEZ-ARCE aka GORDO, OMAR FLORES aka GEORGE, IGNACIO GONZALEZ-CORONADO aka NACHO aka MELIK, FLOR LOPEZ, SHARON OLIVER aka CHANA, SHERRY ANN CANALES, JACK HECTOR MARTINEZ and OSCAR DANIEL ROSAS-ARMAS,	:	SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE
Defendants.	:	

Pursuant to DUCrimR 16-1(h) Rules of Practice (D. Utah), the United States hereby gives notice that the following have been provided to defense counsel, named in the attached Certificate of Service:

1. El Chupacabra Supplemental Document Index which provides listing of all new evidence;

70

2. CD Labeled "El Chupacabra Build_Vol03" containing copies of documents and photographs bates numbered:

EC02554 - EC02729

The following audio recordings and video surveillance are also available for viewing or duplicating by contacting Demi Johnson, OCDETF Paralegal, during regular business hours at (801) 325-3265:

Video Surveillance Recordings:

EC02723 (DEA Exhibit N-142)

Audio Tape Recordings:

EC02722 (N-176)

DATED this 15th day of February, 2005.

PAUL M. WARNER
United States Attorney

Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE was mailed postage pre-paid to all parties named below, this 15th day of February, 2005.

Deirdre A. Gorman
Counsel for Miguel Angel
Lopez-Romero
205 26th Street, Suite 32
Ogden, Utah 84401

Rich Mauro
Counsel for Oscar Daniel
Rosas-Armas
43 East 400 South
Salt Lake City, Utah 84111

Candice A. Johnson
Counsel for Jimmy LNU
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Salt Lake City, Utah 84111

Luis Armando Sanchez-Arce
(No Counsel)

Julie George
Counsel for Omar Flores
P.O. Box 112338
29 South State Street, #7
Salt Lake City, Utah 84147

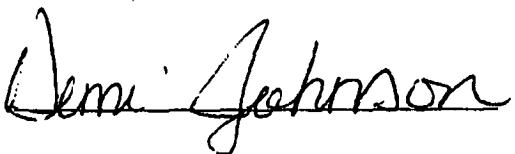
Ignacio Gonzalez-Coronado
(No Counsel)

Flor Lopez
(No Counsel)

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Greg Stevens
Counsel for Sherry Ann Canales
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Manny C. Garcia
Counsel for Jack Hector Martinez
150 South 600 East, Suite 5-C
Salt Lake City, Utah 84102



MANNY GARCIA, #3799
Attorney for Defendant Jack H. Martinez
150 South 600 East #5-C
Salt Lake City, Utah 84102
Telephone: (801) 322-1616
Fax: (801) 322-1628

RECEIVED CLERK
FILED
2005 FEB 24 PM 4:33

U.S. DISTRICT COURT
DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT,
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : MOTION TO EXTEND PRE-TRIAL
: MOTION CUTOFF DATE
:
vs. : Case no. 2:05CR00028-TS
:
JACK HECTOR MARTINEZ, et al : Judge TED STEWART
:
Defendant. :

The Defendant, Jack H. Martinez, by and through Counsel Manny Garcia, hereby requests this court for an extension of time to file motions in the above-entitled matter. The grounds for this motion are:

1. The court has set a motion cutoff date in this case for February 25, 2005.
2. This is Counsel's first request for an extension of time.
3. Counsel has been provided with a vast amount of discovery to review and analyze before any motions can be ascertained..
4. Counsel needs additional time to review, share, and discuss the discovery with his client prior to filing motions in this case.

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Pg.2

5. Counsel has spoken with Veda Travis, Assistant U.S. Attorney who has no objection to this motion.

6. Given the volume of discovery, the number of defendants, and the complexity of the case, Counsel believes that additional time for the filing of pre-trial motions is warranted.

8. Counsel requests the cutoff date be extended until March 18, 2005.

Dated this 24th day of February, 2005

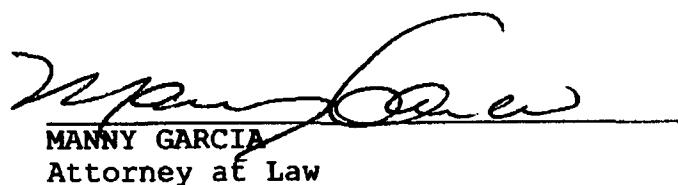


MANNY GARCIA

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Extend was mailed, postage prepaid to Veda Travis at the UNITED STATES ATTORNEY'S OFFICE, 185 SOUTH STATE ST, #400, Salt Lake City, Utah 84111-1506 this 24th day of February, 2005.



MANNY GARCIA
Attorney at Law

Pg. 3

Deirdre A. Gorman
205 26th Street, Suite 32
Ogden Utah 84401

Julie George
P.O. Box 112338
Salt Lake City, Utah 84147

Colleen K. Coebergh
348 East South Temple
Salt Lake City, Utah 84111

Mark J. Gregersen
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Salt Lake City, Utah 84115

Richard P. Mauro
43 East 400 South
Salt Lake City, Utah 84111

Candice A. Johnson
10 West Broadway Ste.210
Salt Lake City, Utah 84101

FILED

CLERK, U.S. DISTRICT COURT

MANNY GARCIA, #3799

Attorney for Defendant Jack H. Martinez

150 South 600 East #5-C

Salt Lake City, Utah 84102

Telephone: (801) 322-1616

Fax: (801) 322-1628

2005 FEB 28 P 2:36

DISTRICT OF UTAH

BY:

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT,

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : ORDER EXTENDING TIME FOR FILING
vs. : OF PRE-TRIAL MOTIONS
: Case no. 2:05CR00028-TS
:
JACK HECTOR MARTINEZ, et al : Judge TED STEWART
:
Defendant. :
:

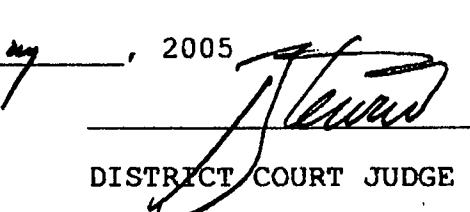
This matter coming before the court on Defendant's motion and
with no objection by the U.S. Attorney,

IT IS HEREBY ORDERED

1. That the deadline for the filing of pre-trial motions in
this matter be extended from February 25, 2005, until March
18th, 2005.

2. The court finds that it is in the interests of justice,
based on the complexity and the amount of discovery in this case,
to grant Defendant's motion.

Dated this 28th day of February, 2005


DISTRICT COURT JUDGE



jmr

United States District Court
for the
District of Utah
March 1, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE

EMAIL

Ms. Deirdre A Gorman, Esq.
205 26TH ST STE 32
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Ms. Candice A Johnson, Esq.
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DISTRICT OF UTAH

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DISTRICT OF UTAH

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Mr Richard P Mauro, Esq.
43 E 400 S
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FILED
CLERK, U.S. DISTRICT COURT
RECEIVED CLERK

MANNY GARCIA, #3799 2005 MAR 11 A 6:02
Attorney for Defendant Jack H. Martinez 2005 MAR 4 P 4:05
150 South 600 East #5-C DISTRICT OF UTAH
Salt Lake City, Utah 84102 BY: U.S. DISTRICT COURT
Telephone: (801) 322-1616 DEPUTY CLERK DISTRICT OF UTAH
Fax: (801) 322-1628

IN THE UNITED STATES DISTRICT COURT,
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : MODIFIED ORDER EXTENDING TIME
vs. : FOR FILING
: OF PRE-TRIAL MOTIONS
: Case no. 2:05CR00028-TS
:
JACK HECTOR MARTINEZ, et al : Judge TED STEWART
:
Defendant. :

This matter coming before the court on Defendant's motion and
with no objection by the U.S. Attorney,

IT IS HEREBY ORDERED

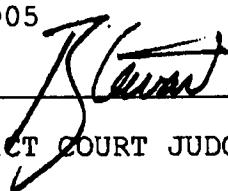
1. That the deadline for the filing of pre-trial motions in
this matter be extended from February 25, 2005, until March 18th,
2005.

2. The court finds that the time between March 18th, 2005 and
the trial date is excluded from the time calculation under the
Speedy Trial Act. The Court further finds that the ends of justice
are served by taking this action and taking this additional time
and this outweighs the public interest in a speedy trial pursuant

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to 18 U.S.C. Section 3161 (h)(A). Furthermore, based on the complexity and the amount of discovery in this case, it is in the interests of justice to grant Defendant's motion.

Dated this 10th day of March, 2005



DISTRICT COURT JUDGE

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Modified Motion to Extend was mailed, postage prepaid to Veda Travis at the UNITED STATES ATTORNEY'S OFFICE, 185 SOUTH STATE ST, #400, Salt Lake City, Utah 84111-1506 this 4th day of March, 2005.

MANNY GARCIA
Attorney at Law

jmr

United States District Court
for the
District of Utah
March 11, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE

EMAIL

Ms. Deirdre A Gorman, Esq.
205 26TH ST STE 32
OGDEN, UT 84401
EMAIL

Ms. Candice A Johnson, Esq.
10 W BROADWAY #210
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PO BOX 112338
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SALT LAKE CITY, UT 84147
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Mark J. Gregersen, Esq.
3855 S 500 W STE M
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US Probation
DISTRICT OF UTAH

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United States Marshal Service
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SALT LAKE CITY, UT 84111
EMAIL

Mr Richard P Mauro, Esq.
43 E 400 S
SALT LAKE CITY, UT 84111
EMAIL



IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH



USA,

Plaintiff,

NOTICE

vs.

Lopez-Romero,

Defendant.

Case No. 2:05-cr-00028

TYPE OF CASE

CRIMINAL

PLEASE TAKE NOTICE that a proceeding in this case has been set for hearing before Honorable Ted Stewart at:

Room 142
350 South Main Street
Salt Lake City, Utah

On Thursday, 4/14/05 at 2:30 p.m.

TYPE OF PROCEEDING: Change of Plea Hearing

This hearing involves the following defendant(s):
Sherry Ann Canales

MARKUS B. ZIMMER,
Clerk of Court

By: Jennifer M. Richards
Deputy Clerk

DATE: March 15, 2005

jmr

United States District Court
for the
District of Utah
March 15, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE

EMAIL

Ms. Deirdre A Gorman, Esq.
205 26TH ST STE 32
OGDEN, UT 84401
EMAIL

Ms. Candice A Johnson, Esq.
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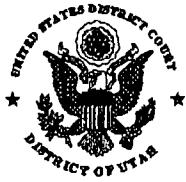
United States Marshal Service
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Mr Richard P Mauro, Esq.
43 E 400 S
SALT LAKE CITY, UT 84111
EMAIL



IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH



USA,

Plaintiff,

NOTICE

vs.

Lopez-Romero,

Defendant.

Case No. 2:05-cr-00028

TYPE OF CASE

CRIMINAL

PLEASE TAKE NOTICE that a proceeding in this case has been set for hearing before Honorable Ted Stewart at:

Room 142
350 South Main Street
Salt Lake City, Utah

On Tuesday, 4/12/05 at 2:30 p.m.

TYPE OF PROCEEDING: Change of Plea Hearing

This hearing involves the following defendant(s):
Jack Hector Martinez

MARKUS B. ZIMMER,
Clerk of Court

By: Jennifer M. Richards
Deputy Clerk

DATE: March 21, 2005

jmr

United States District Court
for the
District of Utah
March 21, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE

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OGDEN, UT 84401
EMAIL

Ms. Candice A Johnson, Esq.
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EMAIL

Mr Richard P Mauro, Esq.
43 E 400 S
SALT LAKE CITY, UT 84111
EMAIL

FILED
U.S. DISTRICT COURT

PAUL M. WARNER, United States Attorney (3389)
VEDA M. TRAVIS, Assistant United States Attorney (#6449)
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

005 MAR 31 A 11:08

DISTRICT OF UTAH

BY: DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, :
Plaintiff, : 2:05CR 0028TS
v. :
MIGUEL ANGEL LOPEZ-ROMERO aka : SUPPLEMENTAL NOTIFICATION
EDUARDO MORENO aka PEDRO, JIMMY : OF DISCOVERY COMPLIANCE
LNU aka OMAR HERNANDEZ aka :
MICHAEL MEDINA-MEJIA, LUIS :
ARMANDO SANCHEZ-ARCE aka GORDO, :
OMAR FLORES aka GEORGE, IGNACIO :
GONZALEZ-CORONADO aka NACHO aka :
MELIK, FLOR LOPEZ, SHARON :
OLIVER aka CHANA, SHERRY ANN :
CANALES, JACK HECTOR MARTINEZ :
and OSCAR DANIEL ROSAS-ARMAS, :
Defendants. :

Pursuant to DUCrimR 16-1(h) Rules of Practice (D. Utah), the
United States hereby gives notice that the following have been
provided to defense counsel, named in the attached Certificate of
Service:

1. El Chupacabra Supplemental Document Index which
provides listing of all new evidence;

92

2. CD Labeled "El Chupacabra Build_Vol04"
containing copies of documents bates numbered:

EC02730 - EC03011

DATED this 3/4/05 day of March, 2005.

PAUL M. WARNER
United States Attorney

Veda M. Travis
VEDA M. TRAVIS

Assistant United States Attorney

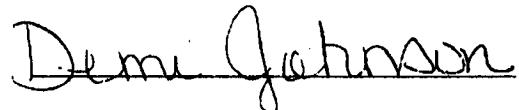
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE was mailed postage pre-paid to all parties named below, this 30th day of March, 2005.

Deirdre A. Gorman
Counsel for Miguel Angel
Lopez-Romero
205 26th Street, Suite 32
Ogden, Utah 84401

Rich Mauro
Counsel for Oscar Daniel
Rosas-Armas
43 East 400 South
Salt Lake City, Utah 84111

Candice A. Johnson
Counsel for Jimmy LNU
10 West Broadway, #210
Salt Lake City, Utah 84111



Luis Armando Sanchez-Arce
(No Counsel)

Julie George
Counsel for Omar Flores
P.O. Box 112338
29 South State Street, #7
Salt Lake City, Utah 84147

Ignacio Gonzalez-Coronado
(No Counsel)

Flor Lopez
(No Counsel)

Mark J. Gregersen
Counsel for Sharon Oliver
3855 South 500 West, Suite M
Salt Lake City, Utah 84115

Greg Stevens
Counsel for Sherry Ann Canales
2825 East Cottonwood Pkwy, #500
Salt Lake City, Utah 84121

Manny C. Garcia
Counsel for Jack Hector Martinez
150 South 600 East, Suite 5-C
Salt Lake City, Utah 84102

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

JUDGE: Hon. Ted Stewart

COURT REPORTER: Patti Walker
COURTROOM DEPUTY: Sandy Malley
INTERPRETER: Ed Hannan

CASE NO. 2:05-cr-28

USA v Jack Hector Martinez

Approved By: _____

APPEARANCE OF COUNSEL

Pla Veda Travis
Dft Manny Martinez

DATE: 4/12/05

MATTER SET: Change of Plea

DOCKET ENTRY:

The defendant is sworn and answers questions posed by the Court. Statement in Advance of Plea of Guilty is executed and filed in Court. The Court finds a factual basis upon which to proceed with this matter, and further finds the defendant enters a plea of guilty to count 3 of the Indictment freely and voluntarily, with full knowledge of his legal rights and consequences of entering the plea. The Court finds the defendant is fully competent and accepts the guilty plea. The Court orders a Pre-sentence Report. Dustin Russell, USPO is present and a report will be prepared. Sentencing is set for 6/29/05 at 2:00 p.m. The defendant is remanded to the custody of USMS.



PAUL M. WARNER, United States Attorney (#3389)
VEDA M. TRAVIS, Assistant United States Attorney (#6449)
Attorneys for the United States of America
185 S. State St., #400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

: 2:05-CR-0028TS

118

1

JACK MARTINEZ, : STATEMENT BY DEFENDANT
: IN ADVANCE OF PLEA OF
: GUILTY

Defendant. :

I hereby acknowledge and certify that I have been advised of and that I understand the following facts and rights, and that I have had the assistance of counsel in reviewing, explaining and completing this form:

1. The nature of the charges against me have been explained. I have had an opportunity to discuss the nature of the charges with my attorney, and I understand the charges and what the government is required to prove in order to convict me.

2. I know that the maximum possible penalties provided by law for the offense to which I am pleading guilty are:

(a) Count III of the Indictment, Conspiracy to Distribute Cocaine, a violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(A): A TERM OF IMPRISONMENT OF NOT MORE THAN LIFE AND NO LESS THAN TEN (10) YEARS PLUS A FINE OF FOUR MILLION DOLLARS (\$4,000,000.00), AND A TERM OF SUPERVISED RELEASE OF AT LEAST FIVE (5) YEARS.

(b) I understand that if I violate any term or condition of supervised release imposed as part of my sentence, I

ee, I

can be returned to prison for the length of time provided in 18 U.S.C. § 3583(e)(3).

(c) Additionally, I know the court is required to impose an assessment in the amount of \$100.00 as to each count to which I am pleading guilty, due and payable at the time of sentencing.

3. I know that the sentencing procedures in this case, and the ultimate sentence, will be determined pursuant to 18 U.S.C. § 3553(a), and the Court must consider, but is not bound by, the United States Sentencing Guidelines in determining my sentence. I have discussed these facts with my attorney. I further know that the final calculation by the Court may differ from any calculation the United States, my attorney, or I may have made, or that the United States and I may have agreed to and set out in ¶12 or ¶13 of this agreement and that I will not be able to withdraw my plea if such calculations are different than the Court's.

4. I know that I can be represented by an attorney at every stage of the proceeding, and I know that if I cannot afford an attorney, one will be appointed to represent me.

5. I know that I have a right to plead "Not Guilty," and I know that if I do plead "Not Guilty," I can persist in that plea.

6. I know that I have a right to a trial by jury, and I know that if I were to go to trial on the offenses charged in the Indictment in my case:

(a) I would have a right to the assistance of counsel at every stage of the proceeding;

(b) I would have a right to see and observe the witnesses who testified against me;

(c) My attorney would have the opportunity to cross-examine all of the witnesses who testified against me;

(d) I could call witnesses if I chose to, and I would be able to obtain subpoenas requiring the attendance and testimony of those witnesses. If I could not afford to pay for the witnesses to appear or if I could not pay their mileage fees, the government would pay;

(e) I could not be forced to incriminate myself and I would not have to testify at my trial;

(f) If I chose not to testify, the jury would be told that no inference adverse to me could be drawn from my not testifying;

(g) The government would have to prove each and every element of the offense charged against me beyond a reasonable doubt;

(h) It would require a unanimous verdict of a jury to convict me; and,

(i) If I were convicted, I could appeal my conviction. If I could not afford the costs of the appeal, the government would pay those costs for me. If I could not afford counsel, the government would pay for an appointed attorney to prosecute my appeal.

7. Under a plea of guilty, there will not be a trial of any kind.

8. I know that there is no appellate review of any lawful sentence imposed under a plea of guilty.

(a) However, I know I may appeal a sentence imposed under this plea of guilty under the following circumstances:

(1) If the sentence was imposed in violation of law; or

(2) If the sentence imposed was unreasonable in light of the factors listed in 18 U.S.C. § 3553(a).

(b) I also know that the United States may appeal a sentence imposed under this plea of guilty in the following circumstances:

(1) If the sentence was imposed in violation of law; or

(2) If the sentence imposed was unreasonable in light of the factors listed in 18 U.S.C. § 3553(a).

9. I know that under a plea of "Guilty", the Judge may ask me questions under oath about the offense to which the plea is entered. The questions, if asked on the record and in the presence of counsel, must be answered by me, and if I give false answers, I can be prosecuted for perjury.

10. I understand that the Court may choose to make no decision as to what the sentence will be until a Presentence Report has been received and reviewed by the Judge. I further understand that the Court is not obligated in any way to follow the recommendation of the government concerning sentencing matters. If the Court does not follow the government's recommendation, I know that I will not be allowed to withdraw my plea of "Guilty".

11. I understand that the Court can and will consider all available information in determining my sentence. I also understand that if I am sentenced to prison, such information may be considered by prison officials in making decisions concerning my incarceration.

12. I stipulate and agree that the following facts accurately describe my conduct. They provide a basis for the Court to accept my change of plea to guilty:

(a) I admit that in December 2004, I came to the Salt Lake City area with the intent to assist a heroin and cocaine drug trafficking organization run by an individual known as "Pedro" or Eduardo Moreno. I further admit that during December 2004 and January 2005, at the direction of others, I helped deliver cocaine and heroin to customers of Moreno's organization. I knew that my conduct was illegal.

I understand that the government has evidence to establish that the conspiracy I joined involved at least 5 kilograms of cocaine and I do not dispute that figure.

I further learned that Jimmy worked for a drug organization run by Eduardo JHM Moreno. I joined Jimmy. (b) I admit that my conduct violated 21 U.S.C. § 846, 841(a)(1) and 841(b)(1)(A).

13. I understand that the terms and conditions of the agreement between the government and me are set out below. There are no other agreements or arrangements. No promises other than those stated have been made.

(a) I will enter a plea of guilty to Count III of the

Indictment. At the time of sentencing, the government agrees to move for leave to dismiss the remaining counts against me. The government also agrees not to indict me for any other controlled substances offenses of which the government is aware at this time.

(b) Based on my role in the offense, the government agrees to recommend that I be given a two-level reduction for minor participant under § 3B1.2 of the Sentencing Guidelines.

(c) If I meet the requirements, the government also agrees to recommend that I be given an additional two level reduction under the safety valve or courier provision of § 5C1.2 of the Sentencing Guidelines. I understand that the Court need not follow the government's recommendation. I further understand and agree that it is my responsibility to make arrangements with the government to fulfill the requirement under 5C1.2 of truthfully providing to the government all information I have regarding the offense or offenses that were part of the same course of conduct or a common scheme or plan.

(d) Based on the information now known to the government, the government will recommend that I be given a 2 level reduction for acceptance of responsibility if the base offense level in my case is determined to be less than 16, or a 3 level reduction if the base offense level is 16 or higher. I understand that the Court need not follow the government's recommendation.

(e) The government has also agreed to recommend that I be sentenced at the low end of whatever sentence guideline range is applicable to my case. I understand that the Court need not follow the recommendations of the government.

(f) The government has also agreed that the firearm(s) found during the search of the residence where I was staying should not be used to enhance my sentence under § 2D1.1(b)(1) of the Sentencing Guidelines.

(g) I understand that if I knowingly violate any local, state or federal law between now and the time of my sentencing, such offense may constitute a violation of this plea agreement. I also understand that the Court will decide whether a violation of the plea agreement has occurred on this basis. If the Court finds that I have breached this agreement by violating

any law, I understand that the Court may relieve the government of all obligations and commitments in this plea agreement while leaving intact my plea of "Guilty".

14. I have a right to ask the Court any questions I wish to ask concerning my rights, or about these proceedings and the plea.

* * *

I make the following representations to the Court:

I am 25 years of age. My education consists of 11th grade. I Can / Cannot read and understand English. (can/cannot)

2. No threats or promises of any sort have been made to me to induce me or to persuade me to enter this plea.

3. No one has told me that I would receive probation or any other form of leniency because of my plea.

4. I have discussed this case and this plea with my lawyer as much as I wish to.

5. I am satisfied with my lawyer.

6. My decision to enter this plea was made after full and careful thought, with the advice of counsel, and with a full understanding of my rights, the facts and circumstances of the case and the consequences of the plea. I was not under the influence of any drugs, medication or intoxicants when the decision to enter the plea was made and I am not now under the influence of any drugs, medication or intoxicants.

7. I have no mental reservations concerning the plea.

8. I know that I am free to change or delete anything contained in this statement. I wish to make no changes because

all of the statements are correct.

DATED this 12 day of April, 2005.

JACK HECTOR MARTINEZ
JACK MARTINEZ
Defendant

I certify that I have discussed this statement with the defendant; that I have fully explained his rights to him and have assisted him in completing this form. I believe that he is knowingly and voluntarily entering the plea with full knowledge of his legal rights and that there is a factual basis for the plea.

DATED this 12 day of April, 2005.

Manny Garcia
MANNY GARCIA
Attorney for Defendant

I certify that this statement contains the complete agreement between the defendant and the government. In addition, I certify that to the best of my knowledge there is no legal bar to the acceptance of the plea and that the plea is in the best interests of the public. I am authorized to enter into this plea agreement on behalf of the United States.

DATED this 12 day of April, 2005.

Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney



IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH



USA,

Plaintiff,

NOTICE

vs.

Lopez-Romero,

Defendant.

Case No. 2:05-cr-00028

TYPE OF CASE

CRIMINAL

PLEASE TAKE NOTICE that a proceeding in this case has been set for hearing before Honorable Ted Stewart at:

Room 142
350 South Main Street
Salt Lake City, Utah

On Tuesday 4/26/05 at 11:30 am

TYPE OF PROCEEDING: Change of Plea

This hearing involves the following defendant(s):
Sharon Oliver

MARKUS B. ZIMMER,
Clerk of Court

By: Kirsten Stillgebauer
Deputy Clerk

DATE: April 15, 2005

kvs

United States District Court
for the
District of Utah
April 15, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE

EMAIL

Ms. Deirdre A Gorman, Esq.
205 26TH ST STE 32
OGDEN, UT 84401
EMAIL

Ms. Candice A Johnson, Esq.
10 W BROADWAY #210
SALT LAKE CITY, UT 84111
EMAIL

Julie George, Esq.
PO BOX 112338
29 S STATE STE 7
SALT LAKE CITY, UT 84147
EMAIL

Mark J. Gregersen, Esq.
3855 S 500 W STE M
SALT LAKE CITY, UT 84115
EMAIL

US Probation
DISTRICT OF UTAH
EMAIL

Gregory W. Stevens, Esq.
2825 COTTONWOOD PKWY STE 500
SALT LAKE CITY, UT 84121
EMAIL

Mr. Manny C Garcia, Esq.
150 S 600 E STE 5-C
SALT LAKE CITY, UT 84102
EMAIL

Colleen K. Coebergh, Esq.
29 S STATE ST #007
SALT LAKE CITY, UT 84111
EMAIL

Mr Richard P Mauro, Esq.
43 E 400 S
SALT LAKE CITY, UT 84111
EMAIL



IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH



USA,

Plaintiff,

NOTICE

vs.

Lopez-Romero,

Defendant.

Case No. 2:05-cr-00028

TYPE OF CASE

CRIMINAL

PLEASE TAKE NOTICE that a proceeding in this case has been set for hearing before Honorable Ted Stewart at:

Room 142
350 South Main Street
Salt Lake City, Utah

On Wednesday 6/29/05 at 2:00 pm

TYPE OF PROCEEDING: Sentencing

This hearing involves the following defendant(s):
Jack Hector Martinez

MARKUS B. ZIMMER,
Clerk of Court

By: Kirsten Stillgebauer
Deputy Clerk

DATE: April 15, 2005

kvs

United States District Court
for the
District of Utah
April 15, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

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3855 S 500 W STE M
SALT LAKE CITY, UT 84115
EMAIL

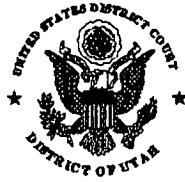
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DISTRICT OF UTAH
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EMAIL

Mr Richard P Mauro, Esq.
43 E 400 S
SALT LAKE CITY, UT 84111
EMAIL



IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH



USA,

Plaintiff,

NOTICE

vs.

Lopez-Romero,

Defendant.

Case No. 2:05-cr-00028

TYPE OF CASE

CRIMINAL

PLEASE TAKE NOTICE that a proceeding in this case has been set for hearing before Honorable Ted Stewart at:

Room 142
350 South Main Street
Salt Lake City, Utah

On Thursday, 6/30/05 at 2:00 p.m.

TYPE OF PROCEEDING: Sentencing

This hearing involves the following defendant(s):
Sherry Ann Canales

MARKUS B. ZIMMER,
Clerk of Court

By: Jennifer M. Richards
Deputy Clerk

DATE: April 19, 2005

jmr

United States District Court
for the
District of Utah
April 19, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE

EMAIL

Ms. Deirdre A Gorman, Esq.
205 26TH ST STE 32
OGDEN, UT 84401
EMAIL

Ms. Candice A Johnson, Esq.
10 W BROADWAY #210
SALT LAKE CITY, UT 84111
EMAIL

Julie George, Esq.
PO BOX 112338
29 S STATE STE 7
SALT LAKE CITY, UT 84147
EMAIL

Mark J. Gregersen, Esq.
3855 S 500 W STE M
SALT LAKE CITY, UT 84115
EMAIL

US Probation
DISTRICT OF UTAH
EMAIL

United States Marshal Service
DISTRICT OF UTAH
EMAIL

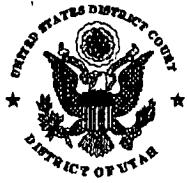
Mr. Stephen R McCaughey, Esq.
10 W BROADWAY STE 650
SALT LAKE CITY, UT 84101
EMAIL

Gregory W. Stevens, Esq.
2825 COTTONWOOD PKWY STE 500
SALT LAKE CITY, UT 84121
EMAIL

Mr. Manny C Garcia, Esq.
150 S 600 E STE 5-C
SALT LAKE CITY, UT 84102
EMAIL

Colleen K. Coebergh, Esq.
29 S STATE ST #007
SALT LAKE CITY, UT 84111
EMAIL

Mr Richard P Mauro, Esq.
43 E 400 S
SALT LAKE CITY, UT 84111
EMAIL



IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH



USA,

Plaintiff,

NOTICE

vs.

Lopez-Romero,

Defendant.

Case No. 2:05-cr-00028

TYPE OF CASE

CRIMINAL

PLEASE TAKE NOTICE that a proceeding in this case has been set for hearing before Honorable Ted Stewart at:

Room 142
350 South Main Street
Salt Lake City, Utah

On Thursday, 6/30/05 at 2:30 p.m.

TYPE OF PROCEEDING: Sentencing

This hearing involves the following defendant(s):
Sharon Oliver

MARKUS B. ZIMMER,
Clerk of Court

By: Jennifer M. Richards
Deputy Clerk

DATE: April 27, 2005

jmr

United States District Court
for the
District of Utah
April 27, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00028

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE

EMAIL

Ms. Deirdre A Gorman, Esq.
205 26TH ST STE 32
OGDEN, UT 84401
EMAIL

Ms. Candice A Johnson, Esq.
10 W BROADWAY #210
SALT LAKE CITY, UT 84111
EMAIL

Julie George, Esq.
PO BOX 112338
29 S STATE STE 7
SALT LAKE CITY, UT 84147
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US Probation
DISTRICT OF UTAH
EMAIL

United States Marshal Service
DISTRICT OF UTAH
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SALT LAKE CITY, UT 84101
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2825 COTTONWOOD PKWY STE 500
SALT LAKE CITY, UT 84121
EMAIL

Mr. Manny C Garcia, Esq.
150 S 600 E STE 5-C
SALT LAKE CITY, UT 84102
EMAIL

Colleen K. Coebergh, Esq.
29 S STATE ST #007
SALT LAKE CITY, UT 84111
EMAIL

Mr Richard P Mauro, Esq.
43 E 400 S
SALT LAKE CITY, UT 84111
EMAIL

FILED
U.S. DISTRICT COURT

PAUL M. WARNER, United States Attorney (3389)
VEDA M. TRAVIS, Assistant United States Attorney (#6449) -4 P 3:48
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

RECEIVED
U.S. DISTRICT COURT
SEP 10 2008
S. J.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	2:05CR 0028TS
v.	:	
MIGUEL ANGEL LOPEZ-ROMERO aka EDUARDO MORENO aka PEDRO, JIMMY LNU aka OMAR HERNANDEZ aka MICHAEL MEDINA-MEJIA, LUIS ARMANDO SANCHEZ-ARCE aka GORDO, OMAR FLORES aka GEORGE, IGNACIO GONZALEZ-CORONADO aka NACHO aka MELIK, FLOR LOPEZ, SHARON OLIVER aka CHANA, SHERRY ANN CANALES, JACK HECTOR MARTINEZ and OSCAR DANIEL ROSAS-ARMAS,	:	SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE
Defendants.	:	

Pursuant to DUCrimR 16-1(h) Rules of Practice (D. Utah), the United States hereby gives notice that the following have been provided to defense counsel, named in the attached Certificate of Service:

1. El Chupacabra Supplemental Document Index which provides listing of all new evidence;

2. Copies of documents bates numbers:

EC03012 - EC03069

DATED this 3rd day of May, 2005.

PAUL M. WARNER
United States Attorney

Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE was mailed postage pre-paid to all parties named below, this 4th day of May, 2005.

Deirdre A. Gorman
Counsel for Miguel Angel
Lopez-Romero
205 26th Street, Suite 32
Ogden, Utah 84401

Candice A. Johnson
Counsel for Jimmy LNU
10 West Broadway, #210
Salt Lake City, Utah 84111

Luis Armando Sanchez-Arce
(No Counsel)

Julie George
Counsel for Omar Flores
P.O. Box 112338
29 South State Street, #7
Salt Lake City, Utah 84147

Ignacio Gonzalez-Coronado
(No Counsel)

Steve McCaughey
Counsel for Flor Lopez
10 West Broadway, #650
Salt Lake City, Utah 84101

Rich Mauro
Counsel for Oscar Daniel
Rosas-Armas
43 East 400 South
Salt Lake City, Utah 84111

Candi Johnson

FILED
U.S. DISTRICT COURT

PAUL M. WARNER, United States Attorney (3389)
VEDA M. TRAVIS, Assistant United States Attorney (#6449)-4 P 348
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, :
Plaintiff, : 2:05CR 0028TS
v. :
MIGUEL ANGEL LOPEZ-ROMERO aka : SUPPLEMENTAL NOTIFICATION
EDUARDO MORENO aka PEDRO, JIMMY : OF DISCOVERY COMPLIANCE
LNU aka OMAR HERNANDEZ aka :
MICHAEL MEDINA-MEJIA, LUIS :
ARMANDO SANCHEZ-ARCE aka GORDO, :
OMAR FLORES aka GEORGE, IGNACIO :
GONZALEZ-CORONADO aka NACHO aka :
MELIK, FLOR LOPEZ, SHARON :
OLIVER aka CHANA, SHERRY ANN :
CANALES, JACK HECTOR MARTINEZ :
and OSCAR DANIEL ROSAS-ARMAS, :
Defendants. :

Pursuant to DUCrimR 16-1(h) Rules of Practice (D. Utah), the United States hereby gives notice that the following have been provided to defense counsel, named in the attached Certificate of Service:

1. El Chupacabra Supplemental Document Index which provides listing of all new evidence;

2. Copies of documents bates numbers:

EC03012 - EC03069

DATED this 3rd day of May, 2005.

PAUL M. WARNER
United States Attorney

Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE was mailed postage pre-paid to all parties named below, this 4th day of May, 2005.

Deirdre A. Gorman
Counsel for Miguel Angel
Lopez-Romero
205 26th Street, Suite 32
Ogden, Utah 84401

Candice A. Johnson
Counsel for Jimmy LNU
10 West Broadway, #210
Salt Lake City, Utah 84111

Luis Armando Sanchez-Arce
(No Counsel)

Julie George
Counsel for Omar Flores
P.O. Box 112338
29 South State Street, #7
Salt Lake City, Utah 84147

Ignacio Gonzalez-Coronado
(No Counsel)

Steve McCaughey
Counsel for Flor Lopez
10 West Broadway, #650
Salt Lake City, Utah 84101

Rich Mauro
Counsel for Oscar Daniel
Rosas-Armas
43 East 400 South
Salt Lake City, Utah 84111

Candi Johnson

MANNY GARCIA, #3799
Attorney for Defendant Jack H. Martinez
150 South 600 East #5-C
Salt Lake City, Utah 84102
Telephone: (801) 322-1616
Fax: (801) 322-1628

FILED
U.S. DISTRICT COURT

2005 JUL 28 P 2:31

DISTRICT OF UTAH

BY: DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT,

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : POSITION OF DEFENDANT WITH
: RESPECT TO SENTENCING FACTORS
:
Plaintiff, :
vs. : Case no. 2:05-CR-00028-009-TS
:
JACK HECTOR MARTINEZ : Judge STEWART
:
Defendant. :

The Defendant, by and through Counsel, Manny Garcia, pursuant to Rule 32-1(b), Rules of Practice--United States District Court for the District of Utah, states that after reviewing the Pre-sentence Report prepared by the U.S. Probation Office, no sentencing factors as described in that report are disputed by the defendant:

Dated this 28th day of July, 2005.

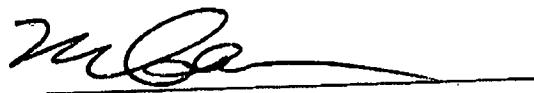


MANNY Garcia

Attorney for Defendant.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I mailed, postage prepaid a copy of the foregoing Position of Defendant With Respect to Sentencing Factors to Veda M. Travis, Assistant U.S. Attorney, at 185 South State St. #400, Salt Lake City, Utah, 84111 and delivered a copy to the Probation Office this 28th day of July, 2005.



PAUL M. WARNER, United States Attorney (#3389)
 VEDA M. TRAVIS, Assistant United States Attorney U.S. DISTRICT COURT
 Attorneys for the United States of America
 185 South State Street, #400
 Salt Lake City, Utah 84111
 Telephone: (801) 524-5682

2005 JUL 29 P 3:44

DISTRICT OF UTAH

BY: *g*

IN THE UNITED STATES DISTRICT COURT DEPUTY CLERK

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

2:05-CR-0028TS

Plaintiff,

: GOVERNMENT'S POSITION
 WITH RESPECT TO
 SENTENCING FACTORS

vs.

Judge Ted Stewart

JACK HECTOR MARTINEZ,

Defendant.

Having reviewed the Presentence Report in the above-referenced matter, the United States of America, by and through the undersigned Assistant United States Attorney, states the following:

1. With regards to paragraph 39 where the base offense level is set at 28, it appears that the marijuana conversion has caused an error. The base level offense for the cocaine and heroin involved (paragraphs 30-31) is a base level offense of 32 (5-15 kilograms of cocaine/1-3 kilograms of heroin) for each of those controlled substances on their own, without being added

together. At a minimum, therefore, the base level offense must be at least a level 32.

2. With regards to paragraph 40 in which defendant is given a two-level reduction for the safety valve under USSG § 5C1.2, the government anticipates recommending such a reduction but advises the Court that defendant has not yet been debriefed as required.

RESPECTFULLY SUBMITTED this 29th day of July, 2005.

PAUL M. WARNER
United States Attorney

Veda M. Travis

VEDA M. TRAVIS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing GOVERNMENT'S POSITION WITH RESPECT TO SENTENCING FACTORS was made available to all parties named below, this 29th day of July, 2005.

Manny Garcia
Attorney at Law
150 South 600 East, Suite 5-C
Salt Lake City, Utah 84102

Dusten Russell
U.S. Probation
324 25th Street
Ogden, Utah 84401

Cindy L. Dohyns

FILED
U.S. DISTRICT COURT

PAUL M. WARNER, United States Attorney (3389)
 VEDA M. TRAVIS, Assistant United States Attorney (#6449)
 Attorneys for the United States of America
 185 South State Street, Suite 400
 Salt Lake City, Utah 84111
 Telephone: (801) 524-5682

2005 AUG -9 A 10:52

DISTRICT OF UTAH

BY: DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	2:05CR 0028TS
v.	:	
MIGUEL ANGEL LOPEZ-ROMERO aka EDUARDO MORENO aka PEDRO, JIMMY LNU aka OMAR HERNANDEZ aka MICHAEL MEDINA-MEJIA, LUIS ARMANDO SANCHEZ-ARCE aka GORDO, OMAR FLORES aka GEORGE, IGNACIO GONZALEZ-CORONADO aka NACHO aka MELIK, FLOR LOPEZ, SHARON OLIVER aka CHANA, SHERRY ANN CANALES, JACK HECTOR MARTINEZ and OSCAR DANIEL ROSAS-ARMAS,	:	SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE
Defendants.	:	

Pursuant to DUCrimR 16-1(h) Rules of Practice (D. Utah), the United States hereby gives notice that the following have been provided to defense counsel, named in the attached Certificate of Service:

1. Copies of documents bates numbers:

EC03070 - EC03111

The United States will continue to provide defendant with discoverable material as it comes into the possession of the United States.

DATED this 8th day of August, 2005.

PAUL M. WARNER
United States Attorney

Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE was mailed postage pre-paid to all parties named below, this 8th day of August, 2005.

Deirdre A. Gorman
Counsel for Miguel Angel
Lopez-Romero
205 26th Street, Suite 32
Ogden, Utah 84401

Candice A. Johnson
Counsel for Jimmy LNU
10 West Broadway, #210
Salt Lake City, Utah 84111

Luis Armando Sanchez-Arce
(No Counsel)

Julie George
Counsel for Omar Flores
P.O. Box 112338
29 South State Street, #7
Salt Lake City, Utah 84147

Ignacio Gonzalez-Coronado
(No Counsel)

Steve McCaughey
Counsel for Flor Lopez
10 West Broadway, #650
Salt Lake City, Utah 84101

Rich Mauro
Counsel for Oscar Daniel
Rosas-Armas
43 East 400 South
Salt Lake City, Utah 84111

Demi Johnson

U.S. DISTRICT COURT

FILED

2005 AUG 22 A 9 2

United States District Court
District of UtahUNITED STATES OF AMERICA
vs.

Jack Hector Martinez

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

DEFINITE CLERK

Case Number: 2:05-CR-00028-009-TS

Plaintiff Attorney: Veda Travis

Defendant Attorney: Manny Garcia

Atty: CJA Ret FPD Defendant's Soc. Sec. No.: XXX-XX-3545Defendant's Date of Birth: 1979

8/18/05

Date of Imposition of Sentence

Defendant's USM No.: 12347-081

Defendant's Residence Address:

San Diego, CA

Defendant's Mailing Address:

Country Country

THE DEFENDANT:

 pleaded guilty to count(s)COP 4/12/05 Verdict 3 of the Indictment pleaded nolo contendere to count(s)
which was accepted by the court. was found guilty on count(s)

Title & Section

21 U.S.C. § 841(a)(1)

Nature of Offense

Conspiracy to Distribute Cocaine

Count

Number(s)

3

The defendant has been found not guilty on count(s)

Count(s) 2, 18, and 19 of the Indictment (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of 37 months

Upon release from confinement, the defendant shall be placed on supervised release for a term of 60 months

The defendant is placed on Probation for a period of .
The defendant shall not illegally possess a controlled substance.

Defendant: Jack Hector Martinez
 Case Number: 2:05-CR-00028-009-TS

Page 2 of 5

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use or excessive and/or illegal consumption of alcohol such as alcohol-related criminal or traffic offenses, the defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the USPO and shall not possess or consume alcohol during the course of treatment.
2. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
3. Defendant shall refrain from association with any known gang members.
4. Defendant shall submit to the collection of a DNA sample at the direction of BOP or USPO

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ Waived , payable as follows:

forthwith.

in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.

in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.

other:

Defendant: Jack Hector Martinez
 Case Number: 2:05-CR-00028-009-TS

Page 3 of 5

The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:

- The interest requirement is waived.
- The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
Totals:	\$	\$

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

Restitution is payable as follows:

- in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
- other:

The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

- An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

forthwith.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant: Jack Hector Martinez
Case Number: 2:05-CR-00028-009-TS

Page 4 of 5

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

DEPARTURE

Court grants motion for the "safety valve."

RECOMMENDATION

Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

Incarceration in a CA facility.

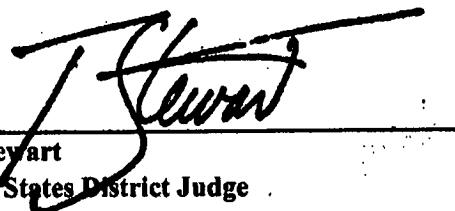
CUSTODY/SURRENDER

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district at _____ on _____.

The defendant shall report to the institution designated by the Bureau of Prisons by Institution's local time, on _____.

DATE: 8/19/05



Ted Stewart
United States District Judge

Defendant: Jack Hector Martinez
Case Number: 2:05-CR-00028-009-TS

Page 5 of 5

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

FILED
U.S. DISTRICT COURT

PAUL M. WARNER, United States Attorney (3389) 2005 AUG 24 P 3:47
 VEDA M. TRAVIS, Assistant United States Attorney (#6449)
 Attorneys for the United States of America
 185 South State Street, Suite 400
 Salt Lake City, Utah 84111
 Telephone: (801) 524-5682

MAY 2005 UTAH

EVIDENCE

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	2:05CR 0028TS
v.	:	
MIGUEL ANGEL LOPEZ-ROMERO aka	:	SUPPLEMENTAL NOTIFICATION
EDUARDO MORENO aka PEDRO, JIMMY	:	OF DISCOVERY COMPLIANCE
LNU aka OMAR HERNANDEZ aka	:	
MICHAEL MEDINA-MEJIA, LUIS	:	
ARMANDO SANCHEZ-ARCE aka GORDO,	:	
OMAR FLORES aka GEORGE, IGNACIO	:	
GONZALEZ-CORONADO aka NACHO aka	:	
MELIK, FLOR LOPEZ, SHARON	:	
OLIVER aka CHANA, SHERRY ANN	:	
CANALES, JACK HECTOR MARTINEZ	:	
and OSCAR DANIEL ROSAS-ARMAS,	:	
Defendants.	:	

Pursuant to DUCrimR 16-1(h) Rules of Practice (D. Utah), the United States hereby gives notice that the following have been provided to defense counsel, named in the attached Certificate of Service:

1. Copies of documents bates numbers:

EC03112 - EC03115

The United States will continue to provide defendant with discoverable material as it comes into the possession of the United States.

DATED this 24th day of August, 2005.

PAUL M. WARNER
United States Attorney

Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE was mailed postage pre-paid to all parties named below, this 24th day of August, 2005.

Deirdre A. Gorman
Counsel for Miguel Angel
Lopez-Romero
205 26th Street, Suite 32
Ogden, Utah 84401

Candice A. Johnson
Counsel for Jimmy LNU
10 West Broadway, #210
Salt Lake City, Utah 84111

Luis Armando Sanchez-Arce
(No Counsel)

Julie George
Counsel for Omar Flores
P.O. Box 112338
29 South State Street, #7
Salt Lake City, Utah 84147

Ignacio Gonzalez-Coronado
(No Counsel)

Steve McCaughey
Counsel for Flor Lopez
10 West Broadway, #650
Salt Lake City, Utah 84101

Rich Mauro
Counsel for Oscar Daniel
Rosas-Armas
43 East 400 South
Salt Lake City, Utah 84111

Gregory Stevens
Counsel for Sherry Ann Canales
2825 Cottonwood Parkway
Suite 500
Salt Lake City, Utah 84121

Mark Gregersen
Counsel for Sharon Oliver
3855 South 500 West, Suite M
Salt Lake City, Utah 84115

Manny Garcia
Counsel for Jack Hector Martinez
150 South 600 East, Suite 5-C
Salt Lake City, Utah 84102



PAUL M. WARNER, United States Attorney (#3389)
 VEDA M. TRAVIS, Assistant United States Attorney (#6449) FILED
 Attorneys for the United States of America
 185 S. State St., #400
 Salt Lake City, Utah 84111
 Telephone: (801) 524-5682

2005 AUG 30 P 3:55
 4
 BY: CLERK

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : 2:05-CR-0028TS
 Plaintiff, :
 vs. : MOTION FOR STATUS
 CONFERENCE
 MIGUEL ANGEL LOPEZ-ROMERO aka :
 EDUARDO MORENO aka PEDRO, JIMMY
 LNU aka OMAR HERNANDEZ aka :
 MICHAEL MEDINA-MEJIA, LUIS
 ARMANDO SANCHEZ-ARCE aka GORDO,
 OMAR FLORES aka GEORGE, IGNACIO
 GONZALEZ-CORONADO aka NACHO aka
 MELIK, FLOR LOPEZ, SHARON
 OLIVER aka CHANA, SHERRY ANN
 CANALES, JACK HECTOR MARTINEZ
 and OSCAR DANIEL ROSAS-ARMAS,
 Defendants.

The United States of America, by and through the
 undersigned Assistant United States Attorney, hereby moves the
 Court to set a date for a status conference in the above-
 referenced matter. This motion is based on the following:

1. On May 20, 2005, the Court entered an order continuing the June 6, 2005, trial date for at least 90 days. The Court indicated that a new trial date would be set at the convenience of all the parties.

2. Since that order was signed, the parties have been involved in more extensive discovery which was not anticipated at the time of the Court's order.

Based on the foregoing, the government moves the Court to set a hearing date so that the parties can advise the Court of the status of this case. The government further moves the Court to exclude the time between this motion and the date of the status conference under 18 U.S.C. § 3161(h)(8)(A) and (B)(ii) of the Speedy Trial Act because the ends of justice served by the exclusion outweigh the best interest of the public and the defendant in a speedy trial. This is based on the fact that this case is so complex, due to the number of defendants and the nature of the case, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established under the Speedy Trial Act.

RESPECTFULLY SUBMITTED this 30th day of August, 2005.

PAUL M. WARNER
United States Attorney

Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing MOTION was mailed postage pre-paid to all parties named below, this 30th day of August, 2005.

Deirdre A. Gorman
Counsel for Miguel Angel
Lopez-Romero
205 26th Street, Suite 32
Ogden, Utah 84401

Candice A. Johnson
Counsel for Jimmy LNU
10 West Broadway, #210
Salt Lake City, Utah 84111

Luis Armando Sanchez-Arce
(No Counsel)

Julie George
Counsel for Omar Flores
P.O. Box 112338
29 South State Street, #7
Salt Lake City, Utah 84147

Ignacio Gonzalez-Coronado
(No Counsel)

Steve McCaughey
Counsel for Flor Lopez
10 West Broadway, #650
Salt Lake City, Utah 84101

Rich Mauro
Counsel for Oscar Daniel
Rosas-Armas
43 East 400 South
Salt Lake City, Utah 84111

Cindy R. Dohyon

FILED
U.S. DISTRICT COURT

PAUL M. WARNER, United States Attorney (3389)
 VEDA M. TRAVIS, Assistant United States Attorney (#6449) *2005 AUG 30 P 3:57*
 Attorneys for the United States of America
 185 South State Street, Suite 400
 Salt Lake City, Utah 84111
 Telephone: (801) 524-5682

BB
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	2:05CR 0028TS
v.	:	
MIGUEL ANGEL LOPEZ-ROMERO aka EDUARDO MORENO aka PEDRO, JIMMY LNU aka OMAR HERNANDEZ aka MICHAEL MEDINA-MEJIA, LUIS ARMANDO SANCHEZ-ARCE aka GORDO, OMAR FLORES aka GEORGE, IGNACIO GONZALEZ-CORONADO aka NACHO aka MELIK, FLOR LOPEZ, SHARON OLIVER aka CHANA, SHERRY ANN CANALES, JACK HECTOR MARTINEZ and OSCAR DANIEL ROSAS-ARMAS,	:	SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE
Defendants.	:	

Pursuant to DUCrimR 16-1(h) Rules of Practice (D. Utah), the
 United States hereby gives notice that the following have been
 provided to defense counsel, named in the attached Certificate of
 Service:

1. Copies of documents bates numbers:

EC03116 - EC03154

The United States will continue to provide defendant with discoverable material as it comes into the possession of the United States.

DATED this 30th day of August, 2005.

PAUL M. WARNER
United States Attorney

Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE was mailed postage pre-paid to all parties named below, this 30th day of August, 2005.

Deirdre A. Gorman
Counsel for Miguel Angel
Lopez-Romero
205 26th Street, Suite 32
Ogden, Utah 84401

Candice A. Johnson
Counsel for Jimmy LNU
10 West Broadway, #210
Salt Lake City, Utah 84111

Luis Armando Sanchez-Arce
(No Counsel)

Julie George
Counsel for Omar Flores
P.O. Box 112338
29 South State Street, #7
Salt Lake City, Utah 84147

Ignacio Gonzalez-Coronado
(No Counsel)

Steve McCaughey
Counsel for Flor Lopez
10 West Broadway, #650
Salt Lake City, Utah 84101

Rich Mauro
Counsel for Oscar Daniel
Rosas-Armas
43 East 400 South
Salt Lake City, Utah 84111

Gregory Stevens
Counsel for Sherry Ann Canales
2825 Cottonwood Parkway
Suite 500
Salt Lake City, Utah 84121

Mark Gregersen
Counsel for Sharon Oliver
3855 South 500 West, Suite M
Salt Lake City, Utah 84115

Manny Garcia
Counsel for Jack Hector Martinez
150 South 600 East, Suite 5-C
Salt Lake City, Utah 84102

Candi Johnson

RECEIVED CLERK

AUG 30 2005

FILED
IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

U.S. DISTRICT COURT, UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MIGUEL ANGEL LOPEZ-ROMERO aka
EDUARDO MORENO aka PEDRO, JIMMY
LNU aka OMAR HERNANDEZ aka
MICHAEL MEDINA-MEJIA, LUIS
ARMANDO SANCHEZ-ARCE aka GORDO,
OMAR FLORES aka GEORGE, IGNACIO
GONZALEZ-CORONADO aka NACHO aka
MELIK, FLOR LOPEZ, SHARON
OLIVER aka CHANA, SHERRY ANN
CANALES, JACK HECTOR MARTINEZ
and OSCAR DANIEL ROSAS-ARMAS,

Defendants.

Based on a motion by the United States of America, and for
good cause appearing:

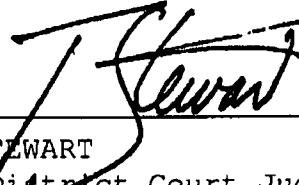
IT IS HEREBY ORDERED that a status conference be held on
Monday, September 19, 2005, at 11 a.m.

IT IS FURTHER ORDERED that the time between the government's
motion and September 19, 2005, be excluded under 18 U.S.C.
§ 3161(h) (8) (A) and (B) (ii) of the Speedy Trial Act because the
ends of justice served by the exclusion outweigh the best
interest of the public and the defendant in a speedy trial. This
is based on the fact that this case is so complex, due to the
number of defendants and the nature of the case, that it is

unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established under the Speedy Trial Act.

DATED this 31st day of August, 2005.

IT IS SO ORDERED.



TED STEWART
U.S. District Court Judge

PAUL M. WARNER, United States Attorney (3389)
VEDA M. TRAVIS, Assistant United States Attorney (#6449)
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	2:05CR 0028TS
v.	:	
MIGUEL ANGEL LOPEZ-ROMERO aka EDUARDO MORENO aka PEDRO, JIMMY LNU aka OMAR HERNANDEZ aka MICHAEL MEDINA-MEJIA, LUIS ARMANDO SANCHEZ-ARCE aka GORDO, OMAR FLORES aka GEORGE, IGNACIO GONZALEZ-CORONADO aka NACHO aka MELIK, FLOR LOPEZ, SHARON OLIVER aka CHANA, SHERRY ANN CANALES, JACK HECTOR MARTINEZ and OSCAR DANIEL ROSAS-ARMAS,	:	SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE
Defendants.	:	

Pursuant to DUCrimR 16-1(h) Rules of Practice (D. Utah), the United States hereby gives notice that the following have been provided to defense counsel, named in the attached Certificate of Service:

1. Copies of documents bates numbers:

EC03155 - EC03163

The United States will continue to provide defendant with discoverable material as it comes into the possession of the United States.

DATED this 30th day of September, 2005.

PAUL M. WARNER
United States Attorney

S/Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing SUPPLEMENTAL NOTIFICATION OF DISCOVERY COMPLIANCE was mailed postage pre-paid to all parties named below, this 30th day of September, 2005.

Deirdre A. Gorman
Counsel for Miguel Angel
Lopez-Romero
205 26th Street, Suite 32
Ogden, Utah 84401

Candice A. Johnson
Counsel for Jimmy LNU
10 West Broadway, #210
Salt Lake City, Utah 84111

Luis Armando Sanchez-Arce
(No Counsel)

Julie George
Counsel for Omar Flores
P.O. Box 112338
29 South State Street, #7
Salt Lake City, Utah 84147

Ignacio Gonzalez-Coronado
(No Counsel)

Steve McCaughey
Counsel for Flor Lopez
10 West Broadway, #650
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Counsel for Oscar Daniel
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Gregory Stevens
Counsel for Sherry Ann Canales
2825 Cottonwood Parkway
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Salt Lake City, Utah 84121

Mark Gregersen
Counsel for Sharon Oliver
3855 South 500 West, Suite M
Salt Lake City, Utah 84115

Manny Garcia
Counsel for Jack Hector Martinez
150 South 600 East, Suite 5-C
Salt Lake City, Utah 84102

S/Demi Johnson

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

U.S. DISTRICT COURT
FILED

2005 OCT 18 A 10 51

UNITED STATES OF AMERICA, : 2:05-CR-0028TS DISTRICT OF UTAH
Plaintiff, : BY: DEPUTY CLERK
vs. : ORDER SETTING DATE FOR
MIGUEL ANGEL LOPEZ-ROMERO aka : TRIAL AND EXCLUDING TIME
EDUARDO MORENO aka PEDRO, JIMMY : UNDER THE SPEEDY TRIAL ACT
LNU aka OMAR HERNANDEZ aka :
MICHAEL MEDINA-MEJIA, LUIS :
ARMANDO SANCHEZ-ARCE aka GORDO, :
OMAR FLORES aka GEORGE, IGNACIO :
GONZALEZ-CORONADO aka NACHO aka :
MELIK, FLOR LOPEZ, SHARON :
OLIVER aka CHANA, SHERRY ANN :
CANALES, JACK HECTOR MARTINEZ :
and OSCAR DANIEL ROSAS-ARMAS, :
Defendants. :

The parties appeared before the Court on September 19, 2005, for a status conference. Based on a motion by the defendants, agreed to by the United States, and for good cause appearing:

IT IS HEREBY ORDERED that the trial in this matter is set for March 20-April 7, 2006.

IT IS FURTHER ORDERED that the time between September 19, 2005, and March 20, 2006, be excluded under 18 U.S.C. § 3161(h)(8)(A) and (B)(ii) of the Speedy Trial Act because the ends of justice served by the exclusion outweigh the best interest of the public and the defendant in a speedy trial. This is based on the fact that this case is so complex, due to the

number of defendants and the nature of the case, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established under the Speedy Trial Act.

DATED this 19th day of October, 2005.

IT IS SO ORDERED.



TED STEWART

U.S. District Court Judge

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

U.S. DISTRICT COURT
FILED

2005 OCT 18 A 10 51

UNITED STATES OF AMERICA, : 2:05-CR-0028TS DISTRICT OF UTAH
Plaintiff, : BY: DEPUTY CLERK
vs. : ORDER SETTING DATE FOR
MIGUEL ANGEL LOPEZ-ROMERO aka : TRIAL AND EXCLUDING TIME
EDUARDO MORENO aka PEDRO, JIMMY : UNDER THE SPEEDY TRIAL ACT
LNU aka OMAR HERNANDEZ aka :
MICHAEL MEDINA-MEJIA, LUIS :
ARMANDO SANCHEZ-ARCE aka GORDO, :
OMAR FLORES aka GEORGE, IGNACIO :
GONZALEZ-CORONADO aka NACHO aka :
MELIK, FLOR LOPEZ, SHARON :
OLIVER aka CHANA, SHERRY ANN :
CANALES, JACK HECTOR MARTINEZ :
and OSCAR DANIEL ROSAS-ARMAS, :
Defendants. :

The parties appeared before the Court on September 19, 2005, for a status conference. Based on a motion by the defendants, agreed to by the United States, and for good cause appearing:

IT IS HEREBY ORDERED that the trial in this matter is set for March 20-April 7, 2006.

IT IS FURTHER ORDERED that the time between September 19, 2005, and March 20, 2006, be excluded under 18 U.S.C. § 3161(h)(8)(A) and (B)(ii) of the Speedy Trial Act because the ends of justice served by the exclusion outweigh the best interest of the public and the defendant in a speedy trial. This is based on the fact that this case is so complex, due to the

number of defendants and the nature of the case, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established under the Speedy Trial Act.

DATED this 17th day of October, 2005.

IT IS SO ORDERED.



TED STEWART

U.S. District Court Judge

Case 2:05-cr-00028-TS Document 178 Filed 08/22/2005 Page 1 of 5

U.S. DISTRICT COURT
FILED
U.S. DISTRICT COURT
District of Utah
AUG 22 2005 OCT 31 P 2:18

UNITED STATES OF AMERICA
vs.
Jack Hector Martinez

JUDGMENT IN A CRIMINAL CASE UTAH
(For Offenses Committed On or After November 1, 1987)

REPUTY CLERK BY: REPUTY CLERK
Case Number: 2:05-CR-00028-009-TS

Plaintiff Attorney: Veda Travis
Defendant Attorney: Memay Garcia

Atty: CJA Ret FPD

Defendant's Soc. Sec. No.: XXX-XX-3345
Defendant's Date of Birth: 1979
Defendant's USM No.: 12347-081
Defendant's Residence Address:
San Diego, CA
Country _____
Defendant's Mailing Address:
Country _____
COP 4/2005 Viveda _____
3 of the Indictment
 The defendant has been found not guilty on count(s) _____
 Count(s) 2, 18, and 19 of the Indictment (is)(are) dismissed on the motion of the United States.

SENTENCE
Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of 27 months.
Upon release from confinement, the defendant shall be placed on supervised release for a term of 60 months.
 The defendant is placed on Probation for a period of _____.
The defendant shall not illegally possess a controlled substance.

Case 2:05-cr-00028-TS Document 178 Filed 08/22/2005 Page 2 of 5

Defendant: Jack Hector Martinez
Case Number: 2:05-CR-00028-009-TS

Page 2 of 5

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$113 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use or excessive and/or illegal consumption of alcohol such as alcohol-related criminal or traffic offenses, the defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the USPO and shall not possess or consume alcohol during the course of treatment.
2. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
3. Defendant shall refrain from association with any known gang members.
4. Defendant shall submit to the collection of a DNA sample at the direction of BOP or USPO

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ Waived, payable as follows:

forthwith.

in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.

in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.

other: _____

Case 2:05-cr-00028-TS Document 178 Filed 08/22/2005 Page 3 of 5

Defendant: Jack Hector Martinez
Case Number: 2:05-CR-00028-009-TS

Page 3 of 5

- The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:
 - The interest requirement is waived.
 - The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

Name and Address of Payee Amount of Loss Amount of Restitution Ordered

Total: \$ 3

(See attachment, if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment, unless otherwise specified.

Restitution is payable as follows:

in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

other: _____

The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:
 forthwith.

□

1

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Case 2:05-cr-00028-TS Document 178 Filed 08/22/2005 Page 4 of 5

Defendant: Jack Hector Martinez
Case Number: 2:05-CR-00028-009-TS

Page 4 of 5

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

DEPARTURE

Court grants motion for the "safety valve."

RECOMMENDATION

Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:
Incarceration in a CA facility.

CUSTODY/SURRENDER

The defendant is remanded to the custody of the United States Marshal.
 The defendant shall surrender to the United States Marshal for this district at _____ on _____
 The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____

DATE:

8/19/05


Ted Stewart
United States District Judge

Case 2:05-cr-00028-TS Document 178 Filed 08/22/2005 Page 5 of 5

Defendant: Jack Hector Martinez
Case Number: 2:05-CR-00028-009-TS

Page 5 of 5

RETURN

I have executed this judgment as follows:

Defendant delivered on October 26, 2005 to FCC Herley, SCP
at Herley CA, with a certified copy of this judgment.

Karen Delo citada
UNITED STATES MARSHAL
By D.M. Delo CRZ
Deputy U.S. Marshal

STEPHEN J. SORENSEN, Acting United States Attorney (#3049)
VEDA M. TRAVIS, Assistant United States Attorney (#6449)
Attorneys for the United States of America
185 South State Street, #400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682
Fax: (801) 524-6924

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : 2:05CR00028 TS

Plaintiff, : UNITED STATES' NOTICE
: REGARDING E-MAIL NOTIFICATION
: TO THE UNITED STATES
: ATTORNEY'S OFFICE VICTIM/
: WITNESS COORDINATOR

MIGUEL ANGEL LOPEZ-ROMERO aka
EDUARDO MORENO aka PEDRO, :
JIMMY LNU aka OMAR HERNANDEZ
aka MICHAEL MEDINA-MEJIA, :
LUIS ARMANDO SANCHEZ-ARCE aka
GORDO, OMAR FLORES aka GEORGE, :
IGNACIO GONZALEZ-CORONADO aka
NACHO aka MELIK, FLOR LOPEZ, :
SHARON OLIVER aka CHANA,
SHERRY ANN CANALES, JACK :
HECTOR MARTINEZ and OSCAR
DANIEL ROSAS-ARMAS, :

Defendants. :

The United States hereby advises the Court that the United
States Attorney's Office Victim/Witness Coordinator should be

//

//

provided with e-mail notification of the matters occurring in the above-captioned case.

DATED this 20th day of March, 2006.

STEPHEN J. SORENSEN
Acting United States Attorney

/S/ Veda M. Travis
VEDA M. TRAVIS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing UNITED STATES' NOTICE REGARDING E-MAIL NOTIFICATION TO THE UNITED STATES ATTORNEY'S OFFICE VICTIM/WITNESS COORDINATOR was mailed postage prepaid, delivered through interoffice mail or electronically filed to all parties named below, this 20th day of March, 2006.

Deirdre A. Gorman
Counsel for Miguel Angel
Lopez-Romero
205 26th Street, Suite 32
Ogden, Utah 84401

Candice A. Johnson
Counsel for Jimmy LNU
10 West Broadway, #210
Salt Lake City, Utah 84111

Luis Armando Sanchez-Arce
(No Counsel)

Julie George
Counsel for Omar Flores
P.O. Box 112338
29 South State Street, #7
Salt Lake City, Utah 84147

Ignacio Gonzalez-Coronado
(No Counsel)

Steve McCaughey
Counsel for Flor Lopez
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Salt Lake City, Utah 84101

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Counsel for Oscar Daniel
Rosas-Armas
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Salt Lake City, Utah 84111

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Counsel for Sherry Ann Canales
2825 Cottonwood Parkway
Suite 500
Salt Lake City, Utah 84121

Mark Gregersen
Counsel for Sharon Oliver
3855 South 500 West, Suite M
Salt Lake City, Utah 84115

Manny Garcia
Counsel for Jack Hector Martinez
150 South 600 East, Suite 5-C
Salt Lake City, Utah 84102

/S/ Cindy L. Dobyns
Legal Assistant

PROB 12B

United States District Court
for the District of Utah FILED
U.S. DISTRICT COURT

**Request and Order for Modifying Conditions of Supervision
With Consent of the Offender**

(Waiver of hearing attached)

DISTRICT OF UTAH

Name of Offender: **Jack Hector Martinez**Docket Number: **2:05-CR-00028-009-TS**
DEPUTY CLERKName of Sentencing Judicial Officer: **Honorable Ted Stewart**
United States District JudgeDate of Original Sentence: **August 18, 2005**Original Offense: **Conspiracy to Distribute Cocaine**Original Sentence: **37 Months Custody/60 Months Supervised Release**Type of Supervision: **Supervised Release** Supervision Began: **October 19, 2007****PETITIONING THE COURT**

To modify the conditions of supervision as follows:

The defendant shall not enter or reside in the Republic of Mexico without the written permission of the probation officer.

CAUSE

The Southern District of California has requested that the defendant's conditions of supervision be modified, due to the significant family ties he has in Tijuana, Mexico. Further, the defendant has requested that he be allowed to reside and/or travel to Tijuana to visit them. Given the defendant's history of alien smuggling, in conjunction with the recency of commencement of supervision, the Southern District of California is not inclined to allow him to reside in Mexico. However, they would not object to allowing the defendant to travel to Mexico with written authorization of the probation officer.

I declare under penalty of perjury that the foregoing is true and correct.


Maria EA Sanchez, U.S. Probation Officer
Date: January 18, 2008

PROB 12B

Jack Hector Martinez
2:05-CR-00028-009-TS

THE COURT ORDERS:

The modification of conditions as noted above
 No action
 Other


Honorable Ted Stewart
United States District Judge

Date: 1/24/08

PROB 49
(Rev 3/09)

UNITED STATES DISTRICT COURT
Southern District of California

**Waiver of Hearing to Modify Conditions of
Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. Not enter or reside in the Republic of Mexico without the written permission of the probation officer.

Witness:


Carlos De La Toba
U.S. Probation Officer

Signed: 
Jack MARTINEZ
Probationer or Supervised Releasee

Date: 1/10/08

/cmd

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
PROBATION OFFICE

KENNETH O. YOUNG
Chief Probation Officer

December 10, 2007

101 West Broadway
Suite 700
San Diego, CA 92101-7991
U.S. PROBATION OFFICE (619) 557-6650

2007 DEC 17 P 2035 Street, Suite 500
Chula Vista, CA 91910-5501
(619) 409-5100
DISTRICT OF UTAH

Rick D. Elledge
Chief U.S. Probation Officer
U.S. Probation Office
160 Frank E. Moss, U.S. Courthouse
350 South Main St.
Salt Lake City, Utah, 84101

Re: MARTINEZ, Jack Hector
Dkt. No. 05-CR-0028-009-TS
Modification of Supervised Release

Dear Mr. Elledge:

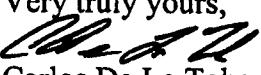
On August 18, 2005, Mr. Martinez was sentenced in your district to 37 months in custody and 5 years supervised release following a conviction for violation of 21 U.S.C. § 841(a)(1), Conspiracy to Distribute Cocaine.

On October 19, 2007, the subject commenced supervised release in the Southern District of California. Mr. Martinez has significant family ties in Tijuana, Mexico, and has requested that he be allowed to reside and/or travel to Tijuana to visit them. Given his history of alien smuggling, in conjunction with the recency of commencement of supervision, we are not currently inclined to allow him to reside in Mexico. However, we would not object to allowing him to travel to Tijuana.

As such, it is requested that supervised release be modified to include the following condition: Not enter or reside in the Republic of Mexico without the written permission of the probation officer.

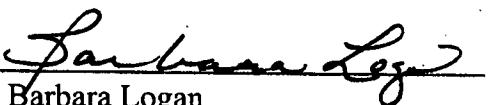
If you have any questions, please call me (619) 409-5104.

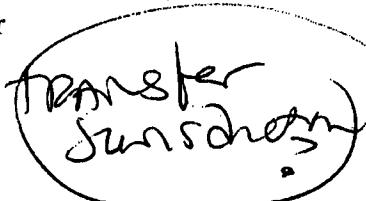
Very truly yours,


Carlos De La Toba

U.S. Probation Officer

cmd/cmd

Reviewed by: 
Barbara Logan
Supervising U.S. Probation Officer


Transfer
Sunset